



# **AGENDA**

## **REGULAR MEETING**

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## **CLAYTON CITY COUNCIL**

\* \* \*

**TUESDAY, April 21, 2020**

**7:00 P.M.**

### **\*\*\* NEW LOCATION\*\*\***

*To protect our residents, officials, and staff, and aligned with the Governor's executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with State order that that allows the public to address the local legislative body electronically.*

**Mayor:** Julie K. Pierce  
**Vice Mayor:** Jeff Wan

#### **Council Members**

Tuija Catalano  
Jim Diaz  
Carl Wolfe

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review on the City's website at [www.ci.clayton.ca.us](http://www.ci.clayton.ca.us)
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at [www.ci.clayton.ca.us](http://www.ci.clayton.ca.us)
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda is available for review on the City's website at [www.ci.clayton.ca.us](http://www.ci.clayton.ca.us)
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7300.

## Instructions for Virtual City Council Meeting – April 21

To protect our residents, officials, and staff, and aligned with the Governor’s executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with State order that that allows the public to address the local legislative body electronically.

To follow or participate in the meeting:

1. **Videoconference:** to follow the meeting on-line, click here to register:  
[https://zoom.us/webinar/register/WN\\_JsVoHvfnQaWkXCZkcgm0zQ](https://zoom.us/webinar/register/WN_JsVoHvfnQaWkXCZkcgm0zQ)  
After clicking on the URL, please take a few seconds to submit your first and last name, and e-mail address then click “Register”, which will approve your registration and a new URL to join the meeting will appear.
2. **Phone-in:** Once registered, you will receive an e-mail with instructions to join the meeting telephonically, and then dial (877) 853-5257 using the *Webinar ID* and *Password* found in the e-mail.

**E-mail Public Comments:** If preferred, please e-mail public comments to the City Clerk, Ms. Calderon at [jcalderon@ci.clayton.ca.us](mailto:jcalderon@ci.clayton.ca.us) by 5 PM on the day of the City Council meeting. In addition, emailed public comments may be received during the meeting and up until the public comment period on the relevant agenda item is closed. Public comments of no more than 3 minutes will be read into the record by staff. To be read into the record, e-mail must contain in the subject line “Public Comment – Not on the Agenda” or Public Comment – Agenda item #.”

For those who choose to attend the meeting via videoconferencing or telephone shall have 3 minutes for public comments.

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### Location:

Videoconferencing Meeting (this meeting via teleconferencing is open to the public)  
To join this virtual meeting on-line click  
here: [https://zoom.us/webinar/register/WN\\_JsVoHvfnQaWkXCZkcgm0zQ](https://zoom.us/webinar/register/WN_JsVoHvfnQaWkXCZkcgm0zQ)

To join on telephone, you must register in the URL above, which sends an e-mail to your inbox, and then dial (877) 853-5257 using the *Webinar ID* and *Password* found in the e-mail.

# **\* CITY COUNCIL \***

**April 21, 2020**

1. **CALL TO ORDER AND ROLL CALL** – Mayor Pierce.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

3. **CONSENT CALENDAR**

*Consent Calendar items are typically routine in nature and are considered for approval by one single motion of the City Council. Members of the Council, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question, discussion or alternative action may request so through the Mayor.*

- (a) Approve the minutes of the City Council's regular meeting of April 7, 2020. (City Clerk)([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City.(Finance) ([View Here](#))
- (c) Establishing 2020-2021 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention). (Assistant to the City Manager) ([View Here](#))
- (d) A Resolution Approving the City's Local Transportation Improvement Project For Fiscal Year 2020-21 Involving Road Maintenance and Rehabilitation Account – Local Streets and Roads Funds (RMRA-LSR; SB1). (City Engineer) ([View Here](#))
- (e) Resolution Ordering the Levy of a Special Tax Within the Oak Street Permanent Road Division for FY 2020-21. (City Engineer) ([View Here](#))
- (f) Consideration of a Resolution Ordering the Levy of a Special Tax Within the High Street Permanent Road Division for FY 2020-21. (City Engineer) ([View Here](#))
- (g) Resolution Confirming the Levy of Assessments Within the Oak Street Sewer Assessment District for FY 2020-21. (City Engineer) ([View Here](#))
- (h) Resolution Confirming the Levy of Assessments Within the Lydia Lane Sewer Assessment District for FY 2020-21.(City Engineer) ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS** - None.

5. **REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.
- (e) Other

**6. PUBLIC COMMENT ON NON - AGENDA ITEMS**

*Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.*

*Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.*

**7. PUBLIC HEARINGS – None.**

**8. ACTION ITEMS**

- (a) Discuss and Consider Options for the City of Clayton to Recognize LGBT Pride Month in June. (City Manager) ([View Here](#))
- (b) Amend the City of Clayton's Preferential Residential Permit Parking Pilot Program to Include All Permit Parking Requirements At All Times During the Shelter-In-Place Order. (Police Chief) ([View Here](#))

**9. COUNCIL ITEMS – limited to Council requests and directives for future meetings.**

**10. CLOSED SESSION – None.**

**11. ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be May 5, 2020.

# # # # #

# MINUTES

## OF THE REGULAR MEETING CLAYTON CITY COUNCIL

TUESDAY, April 7, 2020

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:03 p.m. by Mayor Pierce on a virtual web meeting and telephonically (877)853-5257 Councilmembers present: Mayor Pierce, Vice Mayor Wan and Councilmembers Catalano, Diaz and Wolfe. Councilmembers absent: None. Staff present: City Manager Ikani Taumoepeau, City Attorney Mala Subramanian, City Engineer Scott Alman, Community Development Director Matthew Feske, Finance Director Paul Rodrigues, and City Clerk/HR Manager Janet Calderon.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

3. **CONSENT CALENDAR**

**It was moved by Councilmember Diaz, seconded by Vice Mayor Wan, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).**

- (a) Approved the minutes of the City Council's regular meeting of March 17, 2020 and City Council's special meeting of March 17, 2020.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 12-2020 Directing the Preparation of an Engineer's Report for the Diablo Estates Benefit Assessment District.
- (d) Awarded Multi-Year Contract to Waraner Brothers Tree Service for Annual Weed Abatement Services on Public Properties within the Landscape Maintenance District.

4. **RECOGNITIONS AND PRESENTATIONS**

Mayor Pierce asked the City Manager to introduce new staff members.

Community Development Director, Matthew Feske, provided a brief introduction and background and thanked the City Council for the opportunity.

Finance Manager, Paul Rodrigues, provided a brief introduction and background and thanked the City Council for the opportunity.

City Manager Taumoepeau provided a brief report from Chief Warren regarding the activities and updates in the Clayton Police Department.

Mayor Pierce inquired if there has been a reduction in vandalism at the parks due to the shelter-in-place.

City Manager Taumoepeau confirmed there has been a significant reduction in vandalism at the parks.

## **5. REPORTS**

- (a) Planning Commission – Commissioner Terri Denslow indicated the Commission's agenda at its meeting of March 10, 2020, included consideration of a Home Occupation Permit (HOP-03-20) for Teresa Merani Photography located at 5873 Caulfield Drive. Chair Cloven indicated he had a conflict of interest after minute approval, than recused himself. This item was approved 4-0.

- (b) Trails and Landscaping Committee – No meeting held.

- (c) City Manager/Staff –

City Manager Taumoepeau provided his report under recognitions and presentations

Police Report –

Introduction of new:

Finance Manager, Paul Rodrigues

Community Development Director, Matthew Feske

- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Catalano indicated "No Report".

Councilmember Wolfe emailed and calls with constituents and met with the City Manager.

Vice Mayor Wan emailed constituents.

Councilmember Diaz met with the City Manager and was on several conference calls regarding the COVID-19.

Mayor Pierce attended Contra Costa Transportation Authority meeting, announced the cancellation of the April and May Contra Costa County Mayors' Conference, and announced the May Concerts in The Grove have been postponed.

- (e) Other – None.

## **6. PUBLIC COMMENT ON NON - AGENDA ITEMS**

The City Clerk read Public Comment received by Glenn Miller, 1005 Pebble Brach Drive, requesting City Council to further review, discuss and reconsider the tax and assessment policy that has been applied to the recently approved Olivia project and presumably used and applied to similar high density projects.

Drina Rubiales, requested to address the crossing guard at Mt. Zion and Pine Hollow intersection finding in the past year it has been very effective and would like to continue having this crossing guard; requesting the City to take over the funding of \$12,000.00.

Dan Hummer clarified from the March 3 City Council meeting regarding The Olivia Project that the residents of Stranahan are not against affordable housing, they are against the CEQA exemption, density, the height of the building and negative impact to nearby residents. He also noted the residents have hired a CEQA attorney who is finishing up the writ of mandate which is expected to be submitted soon.

Roy Correra feels the dynamic of the City Council is divisive in goal setting and achieving objectives. He also inquired on the City's use of Glyphosate, and would like to see term limits on City Council members.

Sandra Mazza inquired if there have been any updates on the use of the golf course while maintaining social distancing by walking the course, and noted the trails near Eagle Peak have not been maintained by the City.

City Manager Taumoepeau noted Contra Costa County provided the mandate regarding the golf course. He also advised the City has stopped its use of Glyphosate since fall 2019 and the city is using pre-emergent as a substitution.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Resolution Allocating \$34,048 Measure J Program 28-A Co-Op Funds and \$36,163 Measure J LDM 2.09% Off-Year Funds to Capital Improvement Project #10448 School Intersection Project, Establishing Project Scope and Authorizing the Project to Be Built.

City Engineer Scott Alman presented the report.

Following questions by City Council, Mayor Pierce opened the item to public comment.

Dan Hummer supported the request of the City Council to fund the additional crossing guard.

Mayor Pierce closed public comment.

**It was moved by Councilmember Catalano, seconded by Councilmember Wolfe to adopt Resolution No. 13-2020 Allocating \$34,048 Measure J Program 28-A Co-Op Funds and \$36,163 Measure J LSM 2.09% Off-Year Funds to Capital Improvement Project #10448 School Intersection Project, Establishing Project Scope and Authorizing the Project to be Built. (Passed 5-0)**

- (b) Discuss and Consider Draft Letter to the County Regarding Notice of Preparation (NOP) Comments on the CEMEX Clayton Quarry Reclamation Plan Amendment.

Councilmember Catalano presented the report.

Following questions by City Council, Mayor Pierce opened public comments.

Drina Rubiales provided comment on the previous item in support of the stop signs. She also added the Parent Faculty Club is in the process of working on their budget for 20-21 noting they could be also experience some impacts based on the COVID-19 impact and fundraising. She urged the City Council to consider allocation to the Crossing Guard as soon as possible.

Dan Hummer wanted to confirm the city's standpoint on filling the hole and terraform up the hillside to a more natural look.

Mayor Pierce advised several comments were received prior to the meeting regarding this project from the quarry (Deborah Haldeman) and neighbors (Denis Weil, Melinda Molloy Moore, and Bill Burmeister) in the adjacent area and neighborhoods that overlook the quarry. Mayor Pierce advised the letter for consideration this evening is regarding the scoping that should be conducted with the Environmental Impact Report requesting a look at the former plan and other variances in addition to the proposal by the applicant.

Mayor Pierce closed public comment.

**It was moved by Vice Mayor Wan, seconded by Councilmember Wolfe to approve the draft letter to the County Regarding Notice of Preparation (NOP) Comments on the CEMEX Clayton Quarry Reclamation Plan Amendment, as amended. (Passed 5-0)**

## **9. COUNCIL ITEMS**

Councilmember Diaz inquired on the status of the Downtown Planter Box Project.

City Engineer Scott Alman advised there have been some issues with the sub-contractors and social distancing; however the General Contractor confirmed the project should be completed in the new few weeks.

Councilmember Diaz also acknowledged there are four cases of COVID-19 in the City of Clayton; however he is interested in the process of how patients were identified with positive results through a hospital or testing facility.

City Manager Taumoepeau added four cases are currently the lowest in the county; however there could be many more that have not been tested. He encouraged social distancing, hand washing, hand sanitizer, wearing gloves, and masks.

## **10. CLOSED SESSION – None.**

## **11. ADJOURNMENT– on call by Mayor Pierce, the City Council adjourned its meeting at 8:52 p.m.**

The next regularly scheduled meeting of the City Council will be April 21, 2020.



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Respectfully submitted,

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Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

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Julie Pierce, Mayor

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# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

**DATE:** April 21, 2020

**SUBJECT:** FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

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**RECOMMENDATION:**

It is recommended the City Council, by minute motion, approve the financial demands and obligations of the City for the purchase of services and goods in the ordinary course of operations.

Attached Report	Purpose	Date	Amount
Open Invoice Report	Accounts Payable	4/13/2020	\$ 273,397.43
Cash Requirements Report	Payroll, Taxes	4/7/2020	71,048.30
	Total Required		\$ 344,445.73

**Attachments:**

1. Open Invoice Report, dated 4/13/20 (5 pages)
2. Cash Requirements report PPE 4/5/20 (1 page)

# City of Clayton

## Open Invoice Report

### Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>Ace Sierra Tow</b>								
Ace Sierra Tow	4/6/2020	4/6/2020	59466	Evidence tow and storage	\$582.50	\$0.00		\$582.50
				<i>Totals for Ace Sierra Tow</i>	<u>\$582.50</u>	<u>\$0.00</u>		<u>\$582.50</u>
<b>Advanced Elevator Solutions, Inc</b>								
Advanced Elevator Solutions, Inc	4/1/2020	4/1/2020	39094	Elevator service	\$124.00	\$0.00		\$124.00
				<i>Totals for Advanced Elevator Solutions, Inc</i>	<u>\$124.00</u>	<u>\$0.00</u>		<u>\$124.00</u>
<b>Airtight Construction, Inc</b>								
Airtight Construction, Inc	4/9/2020	4/9/2020	40749	Keller House roof repair	\$22,071.20	\$0.00		\$22,071.20
				<i>Totals for Airtight Construction, Inc</i>	<u>\$22,071.20</u>	<u>\$0.00</u>		<u>\$22,071.20</u>
<b>All City Management Services, Inc.</b>								
All City Management Services, Inc.	3/27/2020	3/27/2020	67805	School crossing guard svcs 3/8/20-3/21/20	\$658.80	\$0.00		\$658.80
				<i>Totals for All City Management Services, Inc.</i>	<u>\$658.80</u>	<u>\$0.00</u>		<u>\$658.80</u>
<b>Karen &amp; Jeremy Amos</b>								
Karen & Jeremy Amos	4/9/2020	4/9/2020	CAP0359	Deposit refund	\$1,000.00	\$0.00		\$1,000.00
				<i>Totals for Karen &amp; Jeremy Amos</i>	<u>\$1,000.00</u>	<u>\$0.00</u>		<u>\$1,000.00</u>
<b>Margarita Barba</b>								
Margarita Barba	4/2/2020	4/2/2020	CCP050220	CCP refund	\$484.00	\$0.00		\$484.00
				<i>Totals for Margarita Barba</i>	<u>\$484.00</u>	<u>\$0.00</u>		<u>\$484.00</u>
<b>Alma Barba</b>								
Alma Barba	4/2/2020	4/2/2020	HH041120	HH refund	\$605.00	\$0.00		\$605.00
				<i>Totals for Alma Barba</i>	<u>\$605.00</u>	<u>\$0.00</u>		<u>\$605.00</u>
<b>Big O Tires</b>								
Big O Tires	4/9/2020	4/9/2020	005011-165129	Flat repair	\$20.00	\$0.00		\$20.00
				<i>Totals for Big O Tires</i>	<u>\$20.00</u>	<u>\$0.00</u>		<u>\$20.00</u>
<b>CalPERS Retirement</b>								
CalPERS Retirement	3/25/2020	3/22/2020	032220	Retirement PPE 3/22/20	\$15,741.71	\$0.00		\$15,741.71
CalPERS Retirement	4/7/2020	4/5/2020	040520	Retirement PPE 4/5/20	\$15,671.66	\$0.00		\$15,671.66
CalPERS Retirement	3/24/2020	3/24/2020	CC032420	City council retirement ending 3/24/20	\$79.33	\$0.00		\$79.33
				<i>Totals for CalPERS Retirement</i>	<u>\$31,492.70</u>	<u>\$0.00</u>		<u>\$31,492.70</u>
<b>Caltronics Business Systems, Inc</b>								
Caltronics Business Systems, Inc	3/30/2020	3/30/2020	3008096	Copier usage 2/29/20-3/29/20	\$378.06	\$0.00		\$378.06
				<i>Totals for Caltronics Business Systems, Inc</i>	<u>\$378.06</u>	<u>\$0.00</u>		<u>\$378.06</u>
<b>CCWD</b>								
CCWD	4/8/2020	4/8/2020	J series	Water services 2/4/20-4/7/20	\$6,918.75	\$0.00		\$6,918.75
				<i>Totals for CCWD.</i>	<u>\$6,918.75</u>	<u>\$0.00</u>		<u>\$6,918.75</u>

**City of Clayton**  
**Open Invoice Report**  
Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>City of Concord</b>								
City of Concord	3/30/2020	3/30/2020	83355	Dispatch svcs May 2020	\$23,256.11	\$0.00		\$23,256.11
				Totals for City of Concord	\$23,256.11	\$0.00		\$23,256.11
<b>Clean Street</b>								
Clean Street	3/31/2020	3/31/2020	96910	Street sweeping March 2020	\$4,500.00	\$0.00		\$4,500.00
				Totals for Clean Street	\$4,500.00	\$0.00		\$4,500.00
<b>Patricia Collyer</b>								
Patricia Collyer	4/2/2020	4/2/2020	CCP042520	CCP refund	\$156.00	\$0.00		\$156.00
				Totals for Patricia Collyer	\$156.00	\$0.00		\$156.00
<b>Comcast Business (PD)</b>								
Comcast Business (PD)	4/1/2020	4/1/2020	98232445	PD Internet March 2020	\$900.08	\$0.00		\$900.08
				Totals for Comcast Business (PD)	\$900.08	\$0.00		\$900.08
<b>Comcast Business</b>								
Comcast Business	4/1/2020	4/5/2020	040520	Internet 4/10/20-5/9/20	\$386.09	\$0.00		\$386.09
				Totals for Comcast Business	\$386.09	\$0.00		\$386.09
<b>Contra Costa County Animal Svcs Dept</b>								
Contra Costa County Animal Svcs Dept	4/1/2020	4/1/2020	ASD M6170	Animal Control Svcs Q4 FY20	\$18,246.59	\$0.00		\$18,246.59
				Totals for Contra Costa County Animal Svcs Dept	\$18,246.59	\$0.00		\$18,246.59
<b>CR Fireline, Inc</b>								
CR Fireline, Inc	3/20/2020	3/20/2020	116926	Service call-Secure smoke sensor	\$475.00	\$0.00		\$475.00
				Totals for CR Fireline, Inc	\$475.00	\$0.00		\$475.00
<b>CSI Forensic Supply</b>								
CSI Forensic Supply	4/1/2020	4/1/2020	1965	Evidence bags	\$20.19	\$0.00		\$20.19
				Totals for CSI Forensic Supply	\$20.19	\$0.00		\$20.19
<b>De Lage Landen Financial Services, Inc.</b>								
De Lage Landen Financial Services, Inc.	5/15/2020	3/31/2020	67483582	Copier contract 4/15/20-5/14/20	\$304.59	\$0.00		\$304.59
				Totals for De Lage Landen Financial Services, Inc.	\$304.59	\$0.00		\$304.59
<b>Digital Services</b>								
Digital Services	4/12/2020	4/12/2020	11589	IT services 3/6/20-4/12/20	\$4,027.52	\$0.00		\$4,027.52
				Totals for Digital Services	\$4,027.52	\$0.00		\$4,027.52
<b>Eagle Business Forms, Inc</b>								
Eagle Business Forms, Inc	4/4/2020	4/4/2020	14013	Traffic citation forms	\$1,985.58	\$0.00		\$1,985.58
				Totals for Eagle Business Forms, Inc	\$1,985.58	\$0.00		\$1,985.58
<b>Hammons Supply Company</b>								

# City of Clayton

## Open Invoice Report

### Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Hammons Supply Company	3/20/2020	3/20/2020	1111497	PD Janitorial supplies	\$113.01	\$0.00		\$113.01
				<i>Totals for Hammons Supply Company</i>	<i>\$113.01</i>	<i>\$0.00</i>		<i>\$113.01</i>
<b>Harris &amp; Associates, Inc.</b>								
Harris & Associates, Inc.	9/24/2019	9/24/2019	42445	Prep council agenda pkt, Verna Wy	\$460.00	\$0.00		\$460.00
Harris & Associates, Inc.	4/21/2020	2/25/2020	43905	Engineering svcs 12/29/19-1/25/20	\$9,863.00	\$0.00		\$9,863.00
Harris & Associates, Inc.	4/21/2020	9/24/2019	42444	Engineering svcs 6/30/19-7/27/19	\$9,585.00	\$0.00		\$9,585.00
Harris & Associates, Inc.	4/21/2020	1/28/2020	43620	Engineering svcs 11/24/19-12/28/19	\$2,517.50	\$0.00		\$2,517.50
Harris & Associates, Inc.	4/21/2020	1/28/2020	43619	Engineering Inspections 11/24/19-12/28/19	\$7,220.00	\$0.00		\$7,220.00
Harris & Associates, Inc.	4/21/2020	2/25/2020	43906	Engineering inspections 12/29/19-1/25/20	\$4,775.00	\$0.00		\$4,775.00
				<i>Totals for Harris &amp; Associates, Inc.</i>	<i>\$34,420.50</i>	<i>\$0.00</i>		<i>\$34,420.50</i>
<b>Ali Hassan</b>								
Ali Hassan	4/7/2020	4/7/2020	CAP0247	Deposit refund	\$2,928.09	\$0.00		\$2,928.09
				<i>Totals for Ali Hassan</i>	<i>\$2,928.09</i>	<i>\$0.00</i>		<i>\$2,928.09</i>
<b>ICMA Retirement Corporation</b>								
ICMA Retirement Corporation	3/22/2020	3/22/2020	032220	457 Plan contributions PPE 3/22/20	\$1,300.00	\$0.00		\$1,300.00
ICMA Retirement Corporation	4/5/2020	4/5/2020	040520	457 Plan contributions PPE 4/5/20	\$1,550.00	\$0.00		\$1,550.00
				<i>Totals for ICMA Retirement Corporation</i>	<i>\$2,850.00</i>	<i>\$0.00</i>		<i>\$2,850.00</i>
<b>Kerex Engineering, Inc</b>								
Kerex Engineering, Inc	4/3/2020	4/3/2020	43345	Downtown Planters Pmt #3	\$55,822.47	\$0.00		\$55,822.47
				<i>Totals for Kerex Engineering, Inc</i>	<i>\$55,822.47</i>	<i>\$0.00</i>		<i>\$55,822.47</i>
<b>Yvonne Liebig</b>								
Yvonne Liebig	4/2/2020	4/2/2020	CCP052420	CCP refund	\$156.00	\$0.00		\$156.00
				<i>Totals for Yvonne Liebig</i>	<i>\$156.00</i>	<i>\$0.00</i>		<i>\$156.00</i>
<b>Loan One Financial</b>								
Loan One Financial	4/7/2020	4/7/2020	CAP0247	Deposit refund	\$3,163.14	\$0.00		\$3,163.14
				<i>Totals for Loan One Financial</i>	<i>\$3,163.14</i>	<i>\$0.00</i>		<i>\$3,163.14</i>
<b>Matrix Association Management</b>								
Matrix Association Management	4/21/2020	1/1/2020	12258	Diablo Estates mgmt January 2020	\$4,532.50	\$0.00		\$4,532.50
Matrix Association Management	4/21/2020	2/1/2020	12407	Diablo Estates mgmt February 2020	\$4,532.50	\$0.00		\$4,532.50
Matrix Association Management	4/21/2020	3/1/2020	12641	Diablo Estates mgmt March 2020	\$4,532.50	\$0.00		\$4,532.50
				<i>Totals for Matrix Association Management</i>	<i>\$13,597.50</i>	<i>\$0.00</i>		<i>\$13,597.50</i>
<b>Amy Merriweather</b>								
Amy Merriweather	4/2/2020	4/2/2020	TGP041920	The Grove Park refund	\$132.00	\$0.00		\$132.00
				<i>Totals for Amy Merriweather</i>	<i>\$132.00</i>	<i>\$0.00</i>		<i>\$132.00</i>
<b>MPA</b>								
MPA	4/13/2020	4/13/2020	April2020	Life/LTD April 2020	\$2,081.18	\$0.00		\$2,081.18

# City of Clayton

## Open Invoice Report

### Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for MPA.</i>					\$2,081.18	\$0.00		\$2,081.18
<b>MSR Mechanical, LLC</b>								
MSR Mechanical, LLC	4/3/2020	4/3/2020	113539	CH HVAC service call	\$350.00	\$0.00		\$350.00
<i>Totals for MSR Mechanical, LLC</i>					\$350.00	\$0.00		\$350.00
<b>Nationwide</b>								
Nationwide	3/22/2020	3/22/2020	032220	457 Plan contribution PPE 3/22/20	\$500.00	\$0.00		\$500.00
Nationwide	4/5/2020	4/5/2020	040520	457 Plan contribution PPE 4/5/20	\$500.00	\$0.00		\$500.00
<i>Totals for Nationwide</i>					\$1,000.00	\$0.00		\$1,000.00
<b>Neopost (add postage)</b>								
Neopost (add postage)	4/13/2020	4/13/2020	041320	Add postage	\$300.00	\$0.00		\$300.00
<i>Totals for Neopost (add postage)</i>					\$300.00	\$0.00		\$300.00
<b>Nutrien Ag Solutions</b>								
Nutrien Ag Solutions	4/21/2020	12/24/2019	40993263	Landscape chemicals	\$6,728.00	\$0.00		\$6,728.00
Nutrien Ag Solutions	4/6/2020	4/6/2020	41492897	Landscape chemicals	\$933.66	\$0.00		\$933.66
<i>Totals for Nutrien Ag Solutions</i>					\$7,661.66	\$0.00		\$7,661.66
<b>Alivia Oberbruner</b>								
Alivia Oberbruner	4/9/2020	4/9/2020	EH060320	EH refund	\$630.00	\$0.00		\$630.00
<i>Totals for Alivia Oberbruner</i>					\$630.00	\$0.00		\$630.00
<b>Riso Products of Sacramento</b>								
Riso Products of Sacramento	4/2/2020	4/2/2020	206666	Copier lease pmt 37 of 60	\$106.20	\$0.00		\$106.20
<i>Totals for Riso Products of Sacramento</i>					\$106.20	\$0.00		\$106.20
<b>Sprint Comm (PD)</b>								
Sprint Comm (PD)	3/29/2020	3/29/2020	703335311-220	Cell phones 2/26/20-3/25/20	\$715.92	\$0.00		\$715.92
<i>Totals for Sprint Comm (PD)</i>					\$715.92	\$0.00		\$715.92
<b>Staples Business Credit</b>								
Staples Business Credit	3/25/2020	3/25/2020	1628416219	Office supplies	\$71.56	\$0.00		\$71.56
<i>Totals for Staples Business Credit</i>					\$71.56	\$0.00		\$71.56
<b>Total Imaging Solutions, LLC</b>								
Total Imaging Solutions, LLC	4/7/2020	4/7/2020	11735	Digital Microfiche Service 5/4/20-5/3/21	\$530.00	\$0.00		\$530.00
<i>Totals for Total Imaging Solutions, LLC</i>					\$530.00	\$0.00		\$530.00
<b>TRC Environmental Corporation</b>								
TRC Environmental Corporation	4/2/2020	4/2/2020	409216	Professional services through 3/27/20	\$10,988.25	\$0.00		\$10,988.25
<i>Totals for TRC Environmental Corporation</i>					\$10,988.25	\$0.00		\$10,988.25
<b>US Bank - Corp Pmt System CalCard</b>								
US Bank - Corp Pmt System CalCard	4/13/2020	3/24/2020	Stmt end 3/24/20	Cal Card Stmt end 3/24/20	\$12,419.64	\$0.00		\$12,419.64

# City of Clayton

## Open Invoice Report

### Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for US Bank - Corp Pmt System CalCarc</i>					<i>\$12,419.64</i>	<i>\$0.00</i>		<i>\$12,419.64</i>
<b>Verizon Wireless</b>								
Verizon Wireless	4/1/2020	4/1/2020	9851605472	Cell phones 3/2/20-4/1/20	\$267.55	\$0.00		\$267.55
<i>Totals for Verizon Wireless</i>					<i>\$267.55</i>	<i>\$0.00</i>		<i>\$267.55</i>
<b>Vigilant Solutions, LLC</b>								
Vigilant Solutions, LLC	4/8/2020	4/8/2020	32158 RI	ALPR Camera System License 6/20-5/21	\$4,500.00	\$0.00		\$4,500.00
<i>Totals for Vigilant Solutions, LLC</i>					<i>\$4,500.00</i>	<i>\$0.00</i>		<i>\$4,500.00</i>
<b>GRAND TOTALS:</b>					<b>\$273,397.43</b>	<b>\$0.00</b>		<b>\$273,397.43</b>

# CASH REQUIREMENTS

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 04/08/20: \$71,048.30**

## TRANSACTION SUMMARY

<b>SUMMARY BY TRANSACTION TYPE -</b>	TOTAL ELECTRONIC FUNDS TRANSFER (EFT)	71,048.30
	CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	<b>71,048.30</b>
	TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	12,196.46
	CASH REQUIRED FOR CHECK DATE 04/08/20	83,244.76

## TRANSACTION DETAIL

**ELECTRONIC FUNDS TRANSFER** - Your financial institution will initiate transfer to Paychex **at or after 12:01 A.M.** on transaction date.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		<b>BANK DRAFT AMOUNTS &amp; OTHER TOTALS</b>
04/07/20	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	55,556.13	
04/07/20	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Deductions with Direct Deposit	663.50	<b>56,219.63</b>
04/07/20	BANK OF AMERICA, NA	xxxxxx4799	Readychex®	Check Amounts	2,165.05	<b>2,165.05</b>
04/07/20	BANK OF AMERICA, NA	xxxxxx4799	Garnishment	Employee Deductions	75.00	<b>75.00</b>
				<b>EFT FOR 04/07/20</b>		<b>58,459.68</b>
04/08/20	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Social Security	135.01	
				Medicare	1,131.95	
				Fed Income Tax	7,219.35	
				CA Income Tax	2,734.67	
				<b>Total Withholdings</b>	<b>11,220.98</b>	
				Employer Liabilities		
				Social Security	135.01	
				Medicare	1,132.02	
				Fed Unemploy	15.89	
				CA Unemploy	82.07	
				CA Emp Train	2.65	
				<b>Total Liabilities</b>	<b>1,367.64</b>	<b>12,588.62</b>
				<b>EFT FOR 04/08/20</b>		<b>12,588.62</b>
				<b>TOTAL EFT</b>		<b>71,048.30</b>





# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** Laura Hoffmeister, Assist to the City Manager

**DATE:** April 21, 2020

**SUBJECT:** Establishing 2020-2021 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention)

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## **RECOMMENDATION**

Staff recommends the City Council adopt the attached Resolution, Establishing the Rate Per Equivalent Run off Unit (ERU) for FY 2020-21 and requesting the Contra Costa County Flood Control and Water Conservation District to adopt an Annual Parcel Assessment for Drainage and Maintenance and the National Pollutant Discharge Elimination System (NPDES) Program, maintaining the current ERU Rate at \$29.00 per single-family parcel.

## **BACKGROUND**

The 1987 Reauthorization of the Federal Clean Water Act, as well as similar State legislation, required local agencies to obtain a NPDES Permit for discharging the contents of municipal storm drainage water conveyance systems. As implemented and enforced by the State through the Regional Water Quality Control Board (San Francisco Bay Area Region), this permitting effort is intended to improve water quality in the Delta and San Francisco Bay Estuary System, protect endangered species, and safeguard public waters and waterways for continued economic, recreation and health purposes. Stormwater runoff pollution has been identified as a significant impact on water quality and wildlife in the Bay Area by the State and Federal Governments. During wet weather, large amounts of pollutants, such as oil and grease from automobiles, heavy metals from vehicle exhaust and brake pads, such as copper and lead, pesticides, herbicides and fertilizers from lawns and gardens, soil erosion, and biological material enter the storm drain system and ultimately empty, untreated, into creeks, waterways, the Delta and the Bay.

The City participates and obtained its joint NPDES permit from the SF Regional Water Quality Control Board via the Contra Costa Clean Water Program whose participants include the cities within the County, the County and the Flood Control District. The City of Clayton has participated since its inception in September 1993. The SF Regional Water Quality Control Board issued the 4<sup>th</sup> five-year permit in November 18, 2015, covering FY 2015/16 – 2019/20. This permit, called the Municipal Regional Permit 2.0 (MRP 2.0), covers many counties and cities in the Bay Area. MRP 2.0 permit allows the City and other jurisdictions to utilize the storm water drainage system for the discharges into creeks that ultimately drain into the bay. This joint participation allows for the program management and permit process costs to be kept to a minimum through economies of scale and local and regional collaboration, at a fraction of the cost of doing it alone. The program provides for a regional approach to

stormwater pollution control, regional monitoring, public education and outreach, technical support and training, special studies and NPDES permit administration requirements.

As part of its permit conditions, Clayton is required to implement a comprehensive Stormwater Management Plan (SWMP). The SWMP includes public participation and inter-governmental coordination designed to reduce the discharge of pollutants into the storm drainage system to the maximum extent practicable through the required implementation of 500 plus Best Management Practices and other requirements (about 350 pages long with an annual report checklist that is 100 pages in length), or BMPs as they are commonly referred. (For comparison: in 1993 first there were 12 BMPs, about 5 pages in length, all related to municipal maintenance activities such as drainage inlet cleaning and v-ditch cleaning. In 1997 there were 257 BMP's covering 40 pages. In FY 03-04 c3 amendments – an additional 75 pages were added to the permit by the Regional Board, requiring increased regulation and monitoring activities for development/construction controls, municipal maintenance, public education and outreach, illicit discharge and inspection, and documentation and reporting. In 2009 the document grew to 300 pages with 216 requirements). In 2016 the issuance of the new permit MRP 2.0 added more requirements emphasizing elimination of litter from waterways, retrofitting existing drainage inlets and systems to flow to bio planters or landscape areas, i.e.: "Green Infrastructure". (The next permit is planned for issuance in 2020-2021 and will likely contain even more unfunded mandates.)

The cost of meeting the obligations of the increased requirements contained in the MRP 2.0 have been and are expected to continue to exceed City revenues received from the ERU. The annual estimated shortfall for FY19-20 is expected to be \$50,955 which will be able to be covered by the Stormwater Reserve Fund balance, leaving a balance of \$22,018 that can be used for FY 20-21. Although difficult to fully identify all future additional costs at this point, staff has identified the minimum estimated cost impacts by the new regulations to the City could further outpace revenues. Some new items required by MRP 2.0 include more elimination of litter going into storm drains; more monitoring and reporting on our storm drain inlets trash capture devices (which capture litter before going to the creek), and "green infrastructure" which sets forth standards for cities to redirect their existing storm drainage water into landscape areas. In addition reduction of PCB contained in caulk and joint compounds (structures built between 1950 and 1980) and having cities regulate certain demolition and tenant improvements similar to that now done for asbestos and lead paint for homes and businesses through the planning and building permit process is also required. These last two allowed and exemption process under certain verifiable criteria. City staff successfully applied and after a six month state evaluation process, including asking the City for additional detailed information, was able to receive this exemption. To date the City of Clayton is the only Bay Area city to have successfully received this exemption from the SF Regional Water Board.

An additional unfunded mandate in the permit was the creation of a citywide Green Infrastructure Plan which was submitted to the SF Regional Water Board. This plan identifies opportunities within the City to have existing runoff flow to bio-planters instead of the existing storm drains. In January 2018 the City Council authorized \$50,000 from FY 16-17 General Fund excess monies to go toward the mandatory Green Infrastructure Plan that permittees developed and submitted in October 2019. City Council authorized the use of a consultant which assisted staff in the preparation and filing of the required report.

### **AUGMENTED FUNDING DENIED**

When the program was originally established in 1993, the rate cap for the current parcel fee in Clayton was set by the City Council at \$29/ERU. Because other members of the Clean Water Program also have the same issues (costs exceeding available revenue available from the ERU rate) a cost/revenue analysis was undertaken by the Contra Costa Clean Water Program to evaluate possible additional funding mechanisms for the added requirements of the MRP. The Clean Water Program attempted three times the pursuit of legislation to add stormwater to the definitions of other utilities such as sewer and water and was not successful in receiving needed legislative support, and there is no support by the governor and his staff. It

was after these state wide attempts were fruitless, our straining local funding and the continuing increased requirements by state regulating agencies that led to the 2012 Prop 218 property owner vote for a new parcel fee. The new second revenue measure did not pass. Local revenues for stormwater quality protection have been level since 2000—while compliance costs continue to increase. Additional state legislation is being pursued to establish a process to allow for future local voter consideration of new stormwater revenues. However, in order to continue to receive the City's existing current ERU rate of \$29 per single family parcel (the same amount levied since FY1999/2000) it must be levied. Failure to levy this fee would result in the City need to consider use of its General Fund, and/or a local city specific revenue measure since the regional Prop 218 measure did not receive sufficient voter support for passage.

## **DISCUSSION**

Staff currently participates, as is required by the Program agreement and state permit, on the Clean Water Program's Development Construction Controls/Green Infrastructure Committee, Administration Committee, and Management Committee; and as needed in the Monitoring and Inspection Committee, and the GIS workgroup. City staff typically attends and participates in 4-5 meetings per month.

One of the largest components of the unfunded mandates was the trash load analysis and reduction program that cities had to undertake. This provision required cities to reduce their trash pollution load by 40% by 2014, and completely eliminate (100% reduction) by 2020. The City of Clayton installed 25 trash capture devices and has reduced its trash load to the 100% level at this time, about 5 years before the deadline. Clayton is one of only a few cities in Contra Costa County and the Bay Area that has met this goal ahead of the mandated deadline. The trash capture devices and their installation were covered through ABAG grants that the City Maintenance staff received. However there are not any new funds to address the mandated studies and documentation that cities must file as part of its Annual Report to the State. They include mandatory maintenance items such as clearing of trash along specific areas of creeks and drainage inlets; the quantification of the materials collected; enforcement action (issuance of citations) to individuals for pollution runoff; creeks and waterways testing, mapping, monitoring and of all creeks and all outfalls to creeks, and specific on-going litter removal down to the size of a cigarette butt of litter on certain distance of creek segments and the cleaning of drainage inlets (we currently do public inlets only). The reporting format requires cities to use computer data base for mapping, reporting and monitoring information and transmitting electronically to the SF Regional Water Board where they will post to a public accessible web site. The Clean Water Program is establishing a cloud based GIS mapping project where we will have access to GIS data base, therefore at this time there is not a need to undertake an individual city effort to comply with this permit requirement. MRP 2.0 permit also requires increased and/or enhanced inspections to commercial businesses. The City contracts with Central Contra Costa Sanitary District to perform these inspections, as it has the special training needed to undertake and most of the businesses are restaurant businesses which it already periodically inspects. The permit also requires all maintenance staff and city contractors that apply herbicides, pesticides or fertilizers to be certified in Integrated Pest Management Practices (IPM), and Bay Friendly Certified, and for cities to have local IMP management plans and/or ordinances. The City has in the past obtained compliance by ensuring that one of its Maintenance Supervisors is trained. Due to recent maintenance supervisor staffing changes another maintenance staff member will need to become IPM Bay Friendly Certified. The City's outside noxious weed abatement contractor (Envirotech) and building pesticide contractor (Western Exterminator) are all Bay Friendly Trained and Certified applicators.

Another on-going issue is litigation. Certain third-party interest groups have repeatedly brought legal action against the EPA, State and Regional Agencies, the cities, county, and our Clean Water Program. These court actions have in the past increased costs for legal defense and added to the program requirement standards issued by the State, or as a result of judicial decisions. The Environmental organizations did file three years ago an appeal with the State on the MRP 2.0. This appeal is still pending and slowly working its way through the process. To minimize the potential future legal costs the group program costs have included encumbrances of some group Program funds for this appeal purpose. To date Save the Bay has been closely monitoring the Trash Load Analysis and Action Plans. They are concerned that cities' plans

may not be aggressive enough to reduce trash pollution to meet the permit requirement time frames. However recent analysis and report by SF Regional Water Board Staff noted that most all cities are or will be in compliance with trash load reduction requirements. A more recent development is the Environmental Organizations interest in Green Infrastructure, as this area is more complicated, costly and takes longer to achieve than the trash load reduction requirements. Recent changes at the Federal level in the EPA will not lessen permit requirements or actions mandated to the cities as state legislation and through the voter approved State Clean Water Act, directed by the SF Regional Water Quality Control Board, are the governing authorities.

Overall the City's total costs are comprised of two components, one consisting of the pro rata share of group costs based upon population. The other is the management and maintenance activities undertaken by the City and its contracts with others for required activity implementation and monitoring and reporting. All program staff and permittees (cities and county) have been and continue to make strong efforts to control costs at the program level. However, funds for the MRP 2.0 permit, technical and legal work, education and outreach, implementation of programs to address recent pollutants of concerns (PCB, Mercury, Lead, Nickel etc.), ongoing trash load reduction management, green infrastructure analysis/implementation, enforcement compliance enforcement for construction site practices, and commercial operations, have increased these State unfunded mandate costs on cities and counties.

### **ASSESSMENT AND PROGRAM BUDGET**

Due to the implementation by the Program of unfunded mandate permit requirements by the SF Regional Board, the Group's Clean Water Program Budget will remain the same as last FY at \$3.5 million. For the last few years and through 2021 increased costs were addressed by Program reserve carry over or encumbrances of this year's funds to help reduce or smooth out increases; thus minimizing the impact (reduction) in return to source funds. In future years there is no reserve available and there is likely to be additional permit requirements and associated costs with the SF Regional Water Board MRP 3.0 issuance.

For FY 20-21 19-20 the City of Clayton's pro rata share of the Programs cost is 1.09% apx., (\$35,014) which is only \$213 more than last year, however \$4,213 more than two years ago. Future costs increases and lack of Program carry over funding in the future years will continue to result in less return to source funds to undertake the added local city permit requirements. At this time it is expected the decrease in return to source funds is likely to continue into the future absent any other source of funding.

It is currently estimated that for FY 19-20 the gross revenues from Clayton's assessment will total approximately \$126,306. Of this \$35,014 is allocated to the Clean Water Program administration and group expenses; \$3,800 to the County Auditor for costs related to assessment collection; \$8,000 to the Sanitary District for commercial inspection, monitoring and municipal requested call out inspections; \$3,000 to the District for fiscal and assessment area management, \$3,000 for program reserve, and \$10,000 for our annual state discharge permit fee. Thus, the remaining funds available to the City, for all other activities in FY 20-21 are approximately \$63,492 a decrease of only \$213 over last year, however since 2005 there will have been a decrease of \$39,485 in annual return to source funds due to increased state unfunded mandate permit requirements which have been undertaken by the Program). Approximately fifty-five percent of the City's funds are directly spent on labor costs of maintenance activities required by the program, such as storm drain inspection and cleaning, creek clearing; responding to spill calls; the remaining is divided between equipment and materials; monitoring and inspection; and management and reporting. For fiscal year 20-21, assuming all costs and revenue are same as last fiscal year, it is preliminarily estimated that use of the entire remaining fund balance of \$22,018 may be needed from the City's Stormwater Reserve Fund (Fund 216), depleting the Stormwater Reserve Fund, and an additional need of \$29,150. If additional revenues are needed, the City must default to consider use of its General Fund, General Fund Reserve, and/or a local city specific revenue measure since the regional Prop 218 measure did not receive enough support for passage. However there may still be a shortage of revenue in

this fund until such time as new dedicated funding is obtained. This possibility has been included in past reports and if additional funds are needed for FY 20-21 or future FY shortfalls, it will be included as part of the City budget report and discussions with City Council as part of the budget process.

To continue the local revenue source necessary to fund the unfunded mandates by federal and state government regulations, the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to establish a storm water utility area for the City and to impose benefit assessments on all applicable parcels within the City of Clayton. This item is the annual consideration to request the local assessment levy which provides funding to the Federal and State Clean Water program mandates which the City must undertake and participate in according to Federal and State law. **Staff recommends no increase to the rate for FY 2019-20; it will be the same rate as the last nineteen fiscal years, which is \$29.00 per ERU.**

Since the City is not exceeding the current rate cap and not increasing the levy rate, voter approval requirement of Prop. 218 process does not apply. A single family detached dwelling is typically one ERU; homes on lots 20,000 sq. ft. or larger are allocated 1.7 ERU's; attached homes (e.g., townhomes and duets) are 0.7 ERU. This formula is the same throughout all Contra Costa communities and all cities and the County funds their NPDES costs through the ERU assessments.

### **FISCAL IMPACT**

Although a Federal and State Mandated program, cities do not receive any revenues from the Federal and State governments to offset or cover the mandated requirements. Consequently, the Stormwater Utility Rate and Assessment areas were established in 1993 by the County and the Cities to develop a funding source to cover the costs of the Federal and State mandates.

The recommended assessment for FY 2020-21 is the same rate that is currently in place. Should the City not authorize the Flood Control District to establish and collect the annual assessments, the City still has the financial and legal responsibility to perform the Permit requirements but would not receive the apx. \$126,306 generated by the annual assessment. Mandated activities would need funding from another source, such as the General Fund. Given the high level of commitment of the General Fund to other City programs and projects, prior state "takes" of local funds, loss of redevelopment funds, the prior "great recession" and the current Covid 19 economic downturn, and fixed cost impacts to the General Fund, these NPDES costs, if paid for by the General Fund, would adversely impact other services and operations the City currently provides to the community. It must be noted here the Regional Water Quality Control Board and several case laws consistently declare clean storm water are of the utmost state priority and public agencies have been given the tools (i.e.: local taxing authority) to generate additional revenues for these purposes by garnering local voter approval to tax themselves more for this mandate.

Additional implementation measures such as that needed for monitoring and maintenance of new Stormwater facilities required under our mandated permit and installed as part of new construction within Clayton (C-3), have been addressed by the City Council to provide for methods that are self supported by the **new** development such as Benefit Assessment Districts or Homeowners Associations or combination thereof, or other approach that would not financially impact the city and its general funds. This Council-directed policy minimizes potential impacts to the under-funded Stormwater fund or the City's General Fund for the permanent new development installed specific requirements to meet the new state regulations. However not covered by these are the general overall reporting, enforcement action and trash reduction action plans, commercial inspections, monitoring enhancements required by the regional board are reasons that the current assessment fee should be continued.

### **CONCLUSION**

To continue the same revenue source required to fund the state mandated activities the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water

Subject: Establishing 2020-2021 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention)

Date: April 20, 2020

Page 6 of 6

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Conservation District to impose annual benefit assessments on all applicable parcels within the City of Clayton. The attached Resolution would maintain the current Stormwater Utility Rate assessment of \$29.00 per ERU for FY 2020-21.

**Attachments:**

1. Proposed ERU Resolution for FY 2019-2020
2. Clean Water Program Budget costs and cost sharing formula FY 2019-20
3. Stormwater Fund 216 Budget Information
4. Stormwater Budget History and Forecast

*ERU 20-21 ccsr*

**RESOLUTION NO. \_\_\_\_-2020**

**A RESOLUTION ESTABLISHING THE RATE PER EQUIVILANT RUN-OFF UNIT (ERU) FOR FY 2020-2021 AND REQUESTING THE CONTRA COSTA FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, under the Federal Water Quality Act [33 U.S.C. Section 1342 (p)], certain municipal stormwater discharges require a permit from the appropriate federal or state authorities pursuant to the National Pollutant Discharge Elimination System (NPDES) program; and

**WHEREAS**, the City of Clayton, in conjunction with other affected jurisdictions within Contra Costa County, applied to the State Regional Water Quality Control Board and received a Joint NPDES Permit which requires the implementation of a Storm Water Management Plan and Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

**WHEREAS**, Assembly Bill 2768 ( West's Water Code Appendix, Section 63-12 and 63-12.9) authorizes the Contra Costa County Flood Control and Water Conservation District (District) to establish Stormwater Utility Areas (SUA) and to levy annual benefit assessments for the purpose of carrying out activities required under the NPDES program; and

**WHEREAS**, it is the intent of the City to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and local drainage maintenance activities; and

**WHEREAS**, at the request of the City, the Contra Costa County Flood Control District and Water Conservation District (District) has completed the process for the formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

**WHEREAS**, the SUA and Program Group Costs payment agreement between the City and the District requires that the City of Clayton annually, by May 1, determine its rate to be assigned to a single ERU for the forthcoming fiscal year; and

**WHEREAS**, the City Council adopted Resolution 9-93, which established the range of the annual assessment to be imposed by the District within the storm water utility area not to exceed \$29 per ERU; and

**WHEREAS**, the City of Clayton has operated at its maximum \$29 per ERU rate since FY 1999-2000 (the last nineteen fiscal years) and this same rate is proposed again for FY 2020-2021.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of Clayton, California does hereby determine that its real property assessment rate to be assigned to a single ERU for FY 2020-2021 shall be set and assessed at \$29.00; and

**BE IT FURTHER RESOLVED**, the City Council of Clayton, California, does hereby request the Contra Costa Flood Control and Water Conservation District to adopt the SUA levies in Clayton based on the above established rate.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Clayton, California at a regular public meeting of thereof held on April 21, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, CA

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Julie Pierce, Mayor

ATTEST:

---

Janet Calderon, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on April 21, 2020.

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Janet Calderon, City Clerk

*Reso erurate20-21*



**GROUP COSTS METHODOLOGY & ALLOCATION  
FOR FISCAL YEAR 2020/21**

City/County/State	January 1, 2018	January 1, 2019 <sup>(1)</sup>	Percent Change	Prorata % of Program <sup>(2)</sup>	Budget <sup>(3)</sup> Allocation
<b>CONTRA COSTA COUNTY</b>	<b>1,147,879</b>	<b>1,155,879</b>	0.70%		<b>\$ 3,473,097</b>
ANTIOCH	113,266	113,901	0.56%	9.85%	\$ 342,241
BRENTWOOD	62,140	63,662	2.45%	5.51%	\$ 191,287
→ <b>CLAYTON</b>	<b>11,631</b>	<b>11,653</b>	<b>0.19%</b>	<b>1.01%</b>	<b>\$ 35,014</b> ←
CONCORD	129,493	129,889	0.31%	11.24%	\$ 390,281
DANVILLE	45,103	45,270	0.37%	3.92%	\$ 136,024
EL CERRITO	25,192	25,459	1.06%	2.20%	\$ 76,497
HERCULES	25,964	26,224	1.00%	2.27%	\$ 78,796
LAFAYETTE	26,077	26,327	0.96%	2.28%	\$ 79,105
MARTINEZ	38,406	38,490	0.22%	3.33%	\$ 115,652
MORAGA	16,886	16,939	0.31%	1.47%	\$ 50,897
OAKLEY	40,949	41,759	1.98%	3.61%	\$ 125,474
ORINDA	19,331	19,475	0.74%	1.68%	\$ 58,517
PINOLE	19,458	19,498	0.21%	1.69%	\$ 58,586
PITTSBURG	72,006	72,541	0.74%	6.28%	\$ 217,966
PLEASANT HILL	34,969	35,055	0.25%	3.03%	\$ 105,331
RICHMOND	110,128	110,436	0.28%	9.55%	\$ 331,830
SAN PABLO	31,737	31,817	0.25%	2.75%	\$ 95,601
SAN RAMON	83,179	83,957	0.94%	7.26%	\$ 252,268
WALNUT CREEK	69,498	70,121	0.90%	6.07%	\$ 210,694
UNINCORP. COUNTY	172,466	173,406	0.55%	15.00%	\$ 521,037
				<u>100.00%</u>	<u>\$ 3,473,097</u>

1. Population estimate based on State of California Department of Finance (E-1) City/County projections- January 1, 2020.

Figures are updated in May of each year.

2. Percentages based on prorata of population.

3. Budget Allocation amount is the Stormwater Utility Assessment (SUA) budget, which includes contingency (net program budget).

City of Clayton  
Stormwater Fund 216  
Adopted Budget 19-20

Account Number	Account Name	2017-18 Actual	2018-19 Adopted Budget	2019-20 Adopted Budget	2020-21 Preliminary Budget
7111	Salaries/Regular	18,331	24,700	22,000	22,000
7112	Temporary Help	16,864	5,800	-	-
7218	LTD/STD Insurance	216	290	250	250
7220	PERS Retirement - Normal Cost	2,234	3,000	2,300	2,300
7221	PERS Retirement - Unfunded Liability	2,419	3,400	3,200	3,200
7231	Workers Comp Insurance	1,527	1,400	1,100	1,100
7232	Unemployment Insurance	524	350	500	500
7233	FICA Taxes	545	810	400	400
7246	Benefit Insurance	3,954	5,100	4,400	4,400
7311	General Supplies	2,930	4,000	4,000	4,000
7341	Building/Grounds Maintenance	7,911	15,500	15,200	15,200
7343	Vehicle Maintenance	1,842	2,500	2,000	2,000
7344	Vehicle Gas, Oil, and Supplies	1,404	2,000	2,000	2,000
7373	Education and Training	-	500	500	500
7389	Misc. Expenses	457	-	-	-
7409	Street Sweeping Services	54,000	54,000	55,900	55,900
7411	Professional Services Retainer (Legal)	-	-	-	-
7412	Engineering Services	-	2,000	2,000	2,000
7419	Other Prof. Services	1,500	1,750	1,720	1,720
7435	Contract Seasonal Labor	-	14,000	15,000	15,000
7481	State Regional Annual Discharge Fee	8,539	10,000	10,000	10,000
7486	CERF Charges/Depreciation	3,200	2,360	4,700	4,700
7520	Project/Program Costs - Outreach	166	1,000	500	500
8101	Fund Admin - Transfer to GF	37,247	38,447	39,990	39,990

See breakdown below

See breakdown below

Includes Bay friendly certification est.

See breakdown below

<b>Total Expenditures</b>	<b>165,810</b>	<b>192,907</b>	<b>187,660</b>	<b>187,660</b>
Stormwater Assessment ERU Gross	126,279	126,299	126,306	126,306
NPDES Group Program costs	(29,429)	(30,299)	(34,801)	(35,014)
Commercial Insp by Central San	(4,546)	(8,000)	(8,000)	(8,000)
Flood Control Dist Fiscal Mgmt Cost	(705)	(3,000)	(3,000)	(3,000)
County Auditor/Controller Costs	(3,721)	(3,800)	(3,800)	(3,800)
Mandatory Min. Reserve Withdrawl/ (Deposit)	2,997	-	(3,000)	(3,000)
Adjustment (Third Installment Timing)	10,626	5,427	-	-
4602 Net Assessment Revenue	101,501	86,627	73,705	73,492
4603 Stormwater O & M Annual Fee	4,137	4,360	5,020	5,020
5324 Street Sweeping Fees	57,593	54,000	55,900	55,900
5601 Interest	673	1,000	1,000	1,000
5606 Unrealized Inv. Gain/Loss	(423)	-	-	-
6007 Transfer from Landscape Maintenance Fund	1,008	1,040	1,080	1,080
<b>Total Revenue</b>	<b>164,489</b>	<b>147,027</b>	<b>136,705</b>	<b>136,492</b>
<b>(Decrease) in Fund Balance</b>	<b>(1,321)</b>	<b>(45,880)</b>	<b>(50,955)</b>	<b>(22,018)</b>
<b>Beginning Fund Balance</b>	<b>91,231</b>	<b>56,700</b>	<b>72,973</b>	
<b>Ending Fund Balance</b>	<b>89,910</b>	<b>10,820</b>	<b>22,018</b>	<b>(29,150)</b>

Excludes City properties (private HOAs)

**7311 General Supplies**

Absorbent kits	-	500	500	500
Bay Area Barricade	-	500	500	500
Mt Diablo Landscape - Sand	-	500	500	500
CalOSHA -Confined space safety equipment	-	-	-	-
Grainger (jackets, safety equip., etc.)	290	600	600	600
Innovative Impressions (T shirts - Clayton clean	-	100	100	100
PM Signs - Clayton Cleans Up Banners	60	250	250	250
Straw Waddle	-	250	250	250
Flint Trading Inc. ("No dumping" signs, etc.)	2,580	300	300	300
Miscellaneous Supplies (Calcard)	-	1,000	1,000	1,000
	<b>2,930</b>	<b>4,000</b>	<b>4,000</b>	<b>4,000</b>
	-	-	-	-

Another fund will need to cover

**7341 Building / Grounds Maintenance**

Roto Rooter (Drainage Insert Cleaning)	3,560	5,000	5,000	5,000
Spraytec (Equipment Wash rack)	81	500	200	200
Steve Cox Excavating (Pond & creek)	-	5,000	5,000	5,000
Warner Bros (Emergency tree removal)	4,270	5,000	5,000	5,000
	<b>7,911</b>	<b>15,500</b>	<b>15,200</b>	<b>15,200</b>
	-	-	-	-

**7419 Other Professional Services**

EBRCSA-Radio Mtn PW radio's	200	250	220	220
Richard W Spencer/Kennedy (LID Bioswale Inspections)	1,300	1,500	1,500	1,500
	<b>1,500</b>	<b>1,750</b>	<b>1,720</b>	<b>1,720</b>

**City of Clayton  
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FY 19-20

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**H. Stormwater Fund – No. 216**

This account manages collection and use of Stormwater Equivalent Runoff Units (ERU) levied locally to assist the City in compliance with unfunded State-mandated regulations through our National Pollution Discharge Elimination System (NPDES) Permit. Case law has now confirmed (previously challenged and lost by southern California cities) Regional Water Quality Control Boards do indeed have authority to levy unfunded mandates against pollutant dischargers (cities and counties) by virtue of the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act.

By previous Council action long ago, this real property tax levy was maximized at its allowable cap in year 2000, which is projected to net the City \$73,705 for local use in FY 2019-20. In reality, the assessment generates higher gross revenues (\$126,306), however the following purposes snag portions of the City's local levy before ever touching our local coffers:

Contra Costa [Cities] Clean Water Program	\$	34,801	
Commercial Building Inspections by Sanitary Distri		8,000	
County Auditor-Controller Administrative Fee		3,800	
Reserve Fund for the Clean Water Program		3,000	
Flood Control District Management Expense		3,000	
<b>Total Revenue Offsets:</b>	<b>\$</b>	<b>52,601</b>	<b>41.65%</b>

In addition the City must pay an annual NPDES Regional Discharger Fee to the State projected to be approximately \$10,000, further dipping into the annual local assessment levied by the City.

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The City's 5-year Stormwater Permit (MRP) is issued by the San Francisco Regional Water Quality Control Board. Public agencies, including Clayton, are now under requirements to elevate enforcement, monitoring measures, and treatment projects each year to ensure cleaner stormwaters. This permit, called MRP 2.0, was issued in 2016. The permit contains additional and enhanced requirements for cities such as: managing litter that can get into its drainage and creeks from private and public properties; PCB and Mercury pollutant testing/monitoring; maintenance and enforcement activities; "green infrastructure" which would set forth standards for cities to redirect existing storm drainage water from streets, sidewalks and parking lots and buildings into landscape areas; and enhanced Integrated Pest Management (IPM) policies, practices and mandatory training and certifications. These additional permit terms will continue to impact the Stormwater fund's reserves. As other cities in the state are experiencing similar funding constraints, State legislation (SB 231) did allow for consideration by the voters through a Prop 218 process to address some Stormwater improvements; however the legislation did not fully rectify the needs of local cities as it related to the permit mandates. The next permit (MRP 3.0) is planned for issuance for use in 2020-21 and will likely contain even more unfunded mandates.

MRP 2.0 required information on the latest Green Infrastructure (GI) requirements to be disclosed to elected officials and the public each year by June 30, 2017 along with additional reporting thereafter. MRP 2.0 defines GI as *"Infrastructure that uses vegetation, soils, and natural processes to manage water and create healthier urban environments..., green infrastructure refers to stormwater management systems that mimic nature by soaking up and storing water."* GI is designed to capture and reduce existing PCB including background levels, and Mercury. The second objective of GI is to recharge runoff into the ground creating more filtering and more natural infiltration into creeks and waterways. The permit mandates the retrofitting of existing impervious surfaces with Green Infrastructure be evaluated, analyzed, planned for, costed, and reported upon.

The GI mandate has two main elements to be implemented:

- Preparation of a Green Infrastructure Plan for the inclusion of bioswale/landscape planter (LID) drainage design into existing storm drain infrastructure, including streets, roads, storm drains, etc.
- Identification of early opportunities for implementation of Green Infrastructure Projects Green Infrastructure Plan

The Green Infrastructure Plan requirements and deadlines are:

- Prepare a framework or workplan to be approved by the Permittee's City Manager or governing body, and submit it to the SF Regional Water Board with its FY 2016-17 Annual Report. This was completed in October 2018.

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- Prepare a Green Infrastructure Plan and show estimated costs/budget for a GI projects and submit it to the SF Regional Water Board with the 2019 Annual Report.

The permit requires the Annual Report include: a review of current infrastructure (capital improvement) projects; preparation of a list of infrastructure projects planned for implementation with potential for GI measures; and an annual review, update, and submission of the list. Specifically, this list must include: *"a summary of how each public infrastructure project with green infrastructure potential will include green infrastructure measures to the maximum extent practical during the permit term. For any public infrastructure project where implementation of green infrastructure measures is not practicable, submit a brief description for the project and the reasons green infrastructure measures were impracticable to implement."*

The purpose of the GI Plan is to identify opportunities and projects, and include and incorporate them into its planned Capital Improvement Plan (CIP). Each public agency's Plan is intended to serve as an implementation and reporting tool, to set goals for reducing over the long term, the adverse water quality impacts of existing and new urban runoff on receiving waters.

City staff reviewed and compiled an initial list of its City Council approved CIP budget projects and submitted it with its FY 2015-16 Annual Report, and has updated it thereafter as needed in its Annual Report filings. During FY 2019-20 a City staff working group consisting of the Stormwater Manager/Assistant to the City Manager, City Engineer, and Community Development Director, along with outside consultants will prepare Clayton's draft GI Plan. This work effort is funded by a City Council earmark of \$50,000 of FY 2016-17 General Fund annual excess monies. In April 2019 the City Council authorized a consultant contract to prepare this plan, which will be filed with the Annual Report as required in the permit in October 2019.

Cities are also tasked with reviewing, and updating as necessary, their standard engineering designs and planning policies/ordinances to incorporate GI. The Contra Costa Clean Water Program (CCCWP) is currently working on guidance to the cities for reviewing capital improvement programs and projects, identifying GI potential, advancing planning and design of potential green infrastructure features, and documenting decisions regarding implementation of green infrastructure.

As noted previously, the current permit contains mandated trash reduction requirements which are met through the implementation of the full trash capture devices. The City has installed and maintains twenty-five (25) devices in its four (4) designated trash management areas. Through this effort we have been able to achieve a 100% reduction in trash load baseline, and thereby permit compliance. The City of

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Clayton is one of only a Bay Area few cities to have already achieved this goal. However, recent refinements by the SF Regional Water Board to this requirement may mandate the installation and maintenance of additional full trash capture devices to remain in compliance.

The new permit also requires the use of GIS for database mapping and public viewing availability. The Clean Water Program has begun the establishment of a cloud-based GIS mapping program as a group funded effort for all Contra Costa cities. Each city will have its own section for stormwater mapping with the ability to have additional data layers as it desires. Therefore no additional City funds are needed at this time for the GIS program.

Such permit conditions necessitate ever-increasing expenditures (for reports, studies, documentation, monitoring and projects) which will eventually consume current levy revenues. However, no new funds exist to help address these state mandates. Initial staff analyses reveal an additional \$225,000 to \$515,000 in annual costs could someday impact the City's fiscal operations for this state-mandated purpose alone. Only a Proposition 218 voter approval action can increase the levied rates. The failure of the Clean Water Coalition's Proposition 218 ballot in FY 2012-13 to raise levy revenues turned aside a potential \$93,700 for use in meeting state unfunded mandates for cleaner stormwaters. Since the City reached its parcel levy cap nineteen (19) years ago there have been an astounding 512 additional permit requirements mandated by the SF Regional Water Board, with no increase in revenue to offset the associated costs, resulting in an erosion of the Stormwater Fund's reserves.

In the FY 2019-20 budget, the City's stormwater costs under the permit regulations exceed available revenues by approximately \$50,955, although the close of FY 2018-19 is expected to incur a lesser annual deficit of \$16,937. Fortunately, the proposed FY 2019-20 budget projects the Stormwater Fund will begin next year with a positive reserve balance of \$72,973, which is sufficient to cover anticipated unavoidable operating deficit. The depletion of the Stormwater Fund's reserve balance over past several years is a direct result of added permit requirements imposed by the Regional Board in 1996 (referred to as "C-3 amendments"), MRP 1.0 (issued in 2010), and the current MRP 2.0 (issued in November 2015). All of these were state-imposed unfunded mandates, and the forthcoming MRP 3.0 will only exacerbate this fund's fiscal crisis.

Total projected FY 2019-20 labor-related expenditures of \$49,150, including contracted seasonal labor of \$15,000, are necessary for the City's maintenance of the municipal storm drain system including annual debris clearance of creeks and V-ditches as well as proactive measures for the prevention of pollutants into these waters, which ultimately emerge into the San Francisco - Oakland Bay. Educational materials and supplies are also part of the Stormwater Fund's budget, along with our membership in the Contra

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Costa County Clean Water Program. Recoverable expenses include the portion of staff time when working on clean water issues, programs, while Regional Water Quality Control Board directives target specific programs (i.e. "diaper" inserts in storm drain inlets) and local enforcement (i.e. fines). City administrative staff (Assistant to the City Manager) expends an inordinate portion of time (approximately one-third or more) engaged in the management, administration and implementation of this federal and state mandated program for cleaner runoff waters. As such, the proposed budgeted transfer of \$39,990 to the City's General Fund to partially offset this incurred staff time as well as administrative and fiscal support costs is both reasonable and essential.

Total FY 2019-20 street sweeping costs are estimated at \$55,900 to cover monthly street sweeping services. Street sweeping services are paid through this fund as a program component of cleaner stormwater from street gutters. To clarify a common misconception, public streets and gutters are swept monthly to mitigate roadway pollutants from entering the storm drain system, not for street aesthetics or as the substitute broom for an abutting property owner's sweeping/clearance of leaves and debris from the front and/or side yard curbs of one's property. Offsetting revenue for this street sweeping is tendered by real property owners through their trash bills which is projected to be an equal and offsetting \$57,500. This offsetting revenue estimate could potentially be lower due to the revolving number of vacant homes in Clayton (closed accounts) as well as various delinquent and non-paying accounts slicing away at the revenue stream.

Annual expenditures are incorporated into the proposed budget for required contracted services including: \$2,000 for engineering services, \$1,720 estimated for other professional services (i.e. bioswale inspections, etc.), and \$15,200 for contracted services for building/grounds maintenance (i.e. drainage insert cleaning, emergency tree removal, box culvert clearing, etc.). Contracted engineering services will assist in providing the City's response to state-mandates for performing additional drainage/GI analysis, evaluation and annual reporting of our mapped "trash management areas", and PCB analysis. The City Council has addressed the stormwater impact caused by new private construction activities and newer private developments through the requirement of self-supporting mechanisms and has implemented cost recovery through the establishment of fees for homeowners association and benefit assessment districts. Accordingly, new development generally has minimal to no net budgetary impact on either the Stormwater fund or the City's General Fund.

As noted previously, the Stormwater fund is projected to open FY 2019-20 with approximately \$72,973 in reserves, and projects a year-end fund balance of \$22,018 on June 30, 2020, an eye-opening (but not surprising) 69.8% loss in reserves. At this rate, as feared, the Stormwater fund will become depleted in FY 2020-21, with the only sources of discretionary funds to patch the mandated gap being an annual budgeted

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operational subsidy from the General Fund. Absent a new or increased funding source, the first course of action would likely result in either a reduction of permit compliance potentially resulting in non-compliance and triggering SF Regional Board action of fines of up to \$10,000 per day or reduction in other non-mandated city services.



### City NPDES Budget History and Forecast

FY 1998-1999 Budget (Total Group Program Budget \$1,525,451): (ERU: \$24.50) (final yr of 5yr permit:)

ERU gross revenue est.	\$ 104,851
NPDES Group Program costs:	\$ 17,243
County Auditor/Controller Costs:	\$ 3,334
City Return To Source Funds:	\$ 84,274
Commercial Inspection by Central Sanitary Dist:	\$ 4,205
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
Amount available to Clayton for City NPDES costs:	\$ 73,735

FY 1999-2000 Budget (Total Group Program Budget \$1,491,054): (ERU \$29) \*New 5-yr permit and added req.

ERU gross revenue est.	\$125,196
NPDES Group Program costs:	\$ 18,995
County Auditor/Controller Costs:	\$ 3,500
City Return to Source Funds:	\$102,753
Commercial Inspection by Central Sanitary Dist:	\$ 2,100
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
Amount available to Clayton for City NPDES costs:	\$ 94,153

FY 2000-2001 Budget (Total Group Program Budget \$1,773,242): (ERU \$29) \* lawsuits filed

ERU gross revenue est.	\$129,522
NPDES Group Program costs:	\$ 18,875
County Auditor/Controller Costs:	\$ 3,500
City Return to Source Funds:	\$107,140
Commercial Inspection by Central Sanitary Dist:	\$ 2,172
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 1,500
Amount available to Clayton for City NPDES costs:	\$ 96,968

FY 2001-2002 Budget (Total Group Program Budget \$1,648,735): (ERU \$29) \*legal costs and technical costs for permit amendment hearings

ERU gross revenue est.	\$129,737
NPDES Group Program costs:	\$ 23,940
County Auditor/Controller Costs:	\$ 3,540
City Return to Source Funds:	\$102,266
Commercial Inspection by Central Sanitary Dist:	\$ 2,240
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 2,000
Amount available to Clayton for City NPDES costs:	\$ 95,026

FY 2002-2003 Budget (Total Group Program Budget \$2,258,541): (ERU \$29) \*legal costs and technical costs for permit amendment hearings

ERU gross revenue est.	\$131,915
NPDES Group Program costs:	\$ 26,238
County Auditor/Controller Costs:	\$ 3,550
City Return to Source Funds:	\$102,127
Commercial Inspection by Central Sanitary Dist:	\$ 2,600
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 4,000
Amount available to Clayton for City NPDES costs:	\$ 92,527

FY 2003-2004 (Total Group Program Budget \$2,670,929): (ERU \$29) \*C-3 permit amendments/legal costs

ERU gross revenue est.	\$128,492	related to lawsuits
NPDES Group Program costs:	\$ 33,843	
County Auditor/Controller Costs:	\$ 3,550	
City Return to Source Funds:	\$ 91,099	
Commercial Inspection by Central Sanitary Dist:	\$ 3,000	
Flood Control Dist. Fiscal Management Costs:	\$ 3,000	
State Regional Annual Discharge Permit Fee	\$ 4,000	
Amount available to Clayton for City NPDES costs:	\$ 81,099	

FY 2004-2005 (Total Group Program Budget \$2,320,572): (ERU \$29) \*amended 5-year permit by SFRWQCB

ERU gross revenue est.	\$129,420
NPDES Group Program costs:	\$ 11,843
County Auditor/Controller Costs:	\$ 3,600
City Return to Source Funds:	\$ 113,977
Commercial Inspection by Central Sanitary Dist:	\$ 3,000
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,000
Amount available to Clayton for City NPDES costs:	\$ 102,977

FY 2005-2006 (Total Group Program Budget \$2,320,572): (ERU \$29) \* implementation of new C-3 permit 1 ac amendments

ERU gross revenue est.	\$126,362
NPDES Group Program costs:	\$ 11,749
County Auditor/Controller Costs:	\$ 3,680
City Return to Source Funds:	\$ 110,933
Commercial Inspection by Central Sanitary Dist:	\$ 5,000
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 97,533

FY 2006-2007 (Total Group Program Budget \$2,867,625): (ERU \$29) \* implementation of new C-3 permit 10K sq ft. amendments; new permit issuance and future revenue study.

ERU gross revenue est.	\$126,313
NPDES Group Program costs:	\$ 26,204
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 96,309
Commercial Inspection by Central Sanitary Dist:	\$ 5,000
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 82,909

FY 2007-2008 (Total Group Program Budget \$3,200,422): (ERU \$29) \* on-going implementation of new C-3 permit 10K sq ft. amendments; draft new permit issuance and future revenue study

ERU gross revenue est.	\$126,843
NPDES Group Program costs:	\$ 31,800
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 91,243
Commercial Inspection by Central Sanitary Dist:	\$ 2,000
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 80,843

FY 2008-2009 (Total Group Program Budget \$4,200,422): (ERU \$29) \* on-going implementation of C-3 ; rev draft new permit regs, hearings on new MRP – cost impact and revenue study

ERU gross revenue est.	\$127,055
NPDES Group Program costs:	\$ 44,520
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 78,735
Commercial Inspection by Central Sanitary Dist:	\$ 3,915
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 66,420

FY 2009-2010 (Total Group Program Budget \$4,000,000): (ERU \$29) \* new permit issued Dec 2009 (MRP 1.0) new permit regs, hearings on new MRP – cost impact and revenue study

ERU gross revenue est.	\$127,013
NPDES Group Program costs:	\$ 41,017
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 82,196
Commercial Inspection by Central Sanitary Dist:	\$ 3,402
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 70,396

FY 2010-2011 (Total Group Program Budget \$2,250,079): (ERU \$29) \* MRP 1.0 fist year; cost impact and revenue study

ERU gross revenue est.	\$127,034
NPDES Group Program costs:	\$ 23,052
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 100,182
Commercial Inspection by Central Sanitary Dist:	\$ 4,165
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 5,400
Amount available to Clayton for City NPDES costs:	\$ 87,617

FY 2011-2012 (Total Group Program Budget \$2,497,856): (ERU \$29) \* MRP 1.0 second year costs trash baseline loading and reduction plans

ERU gross revenue est.	\$126,626
NPDES Group Program costs:	\$ 25,517
County Auditor/Controller Costs:	\$ 3,800
City Return to Source Funds:	\$ 97,309
Commercial Inspection by Central Sanitary Dist:	\$ 4,500
Flood Control Dist. Fiscal Management Costs:	\$ 3,000
State Regional Annual Discharge Permit Fee	\$ 7,279
Amount available to Clayton for City NPDES costs:	\$ 82,530

FY 2012-2013 (Total Group Program Budget \$2,528,966): (ERU \$29) \* MRP 1.0 reqs third year costs – trash reduction plan; plans for install of drain inlet screens; enhanced commercial - business inspection

ERU gross revenue est.	\$126,615	
NPDES Group Program costs:	\$ 26,203	
County Auditor/Controller Costs:	\$ 3,800	
City Return to Source Funds:		\$ 96,612
Commercial Inspection by Central Sanitary Dist:	\$ 8,000	
Flood Control Dist. Fiscal Management Costs:	\$ 3,000	
State Regional Annual Discharge Permit Fee	\$ 7,279	
Amount available to Clayton for City NPDES costs:		\$ 78,333

FY 2013-2014 (Total Group Program Budget \$2,447,293): (ERU \$29) \* MRP 1.0 reqs fourth year costs – trash reduction collection; installation of all draining inlet screens; begin collection of material at drainage inlets screens; enhanced commercial -business inspection

ERU gross revenue est.	\$126,308	
NPDES Group Program costs:	\$ 25,265	
County Auditor/Controller Costs:	\$ 3,800	
City min req. Reserve to Program	\$ 3,000	
City Return to Source Funds:		\$ 94,949
Commercial Inspection by Central Sanitary Dist:	\$ 8,000	
Flood Control Dist. Fiscal Management Costs:	\$ 3,000	
State Regional Annual Discharge Permit Fee	\$ 7,279	
Amount available to Clayton for City NPDES costs:		\$ 75,974

FY 2014-2015 (Total Group Program Budget \$2,447,293): (ERU \$29) \* MRP 1.0 reqs fifth year costs – trash reduction collection from drainage inlets; quantification of materials collected; enhanced commercial -business inspection

ERU gross revenue est.	\$124,144	
NPDES Group Program costs:	\$ 25,842	
County Auditor/Controller Costs:	\$ 3,800	
City share program reserve:	\$ 3,000	
City Return to Source Funds:		\$ 91,502
Commercial Inspection by Central Sanitary Dist:	\$ 8,000	
Flood Control Dist. Fiscal Management Costs:	\$ 3,000	
State Regional Annual Discharge Permit Fee	\$ 8,740	
Amount available to Clayton for City NPDES costs:		\$ 71,762

FY 2015-2016 (Total Group Program Budget \$ 2,579,223): (ERU \$29) \* new MRP issued (MRP 2.0)

ERU gross revenue est.	\$ 124,184	
NPDES Group Program costs:	\$ 26,575	
County Auditor/Controller Costs:	\$ 3,800	
City share program reserve:	\$ 3,000	
City Return to Source Funds:		\$ 90,809
Commercial Inspection by Central Sanitary Dist:	\$ 8,000	
Flood Control Dist. Fiscal Management Costs:	\$ 3,000	
State Regional Annual Discharge Permit Fee	\$ 6,869	
Amount available to Clayton for City NPDES costs:		\$ 72,940

FY 2016-2017 (Total Group Program Budget \$3,649,621- program reserve \$1,024,105 = \$ 2,625,516): (ERU \$29)

\* MRP 2.0 reqs first year costs-  
initial work mercury reduction & GIS

ERU gross revenue est.	\$ 126,328	
NPDES Group Program costs:	\$ 26,872	
County Auditor/Controller Costs:	\$ 3,800	
City share program reserve:	\$ 3,000	
City Return to Source Funds:		\$ 92,656
Commercial Inspection by Central Sanitary Dist:	\$ 8,000	
Flood Control Dist. Fiscal Management Costs:	\$ 3,000	
State Regional Annual Discharge Permit Fee	\$ 8,980	
Amount available to Clayton for City NPDES costs:	\$ 72,676	

FY 2017-2018 (Total Group Program Budget \$4,281,987 – program reserve \$1,288,555 = \$3,053,432): (ERU \$29)

\* MRP 2.0 reqs. second year costs-  
PCB reductions, GIS, trash load  
reduction, green infrastructure

ERU gross revenue est.	\$ 126,279	
NPDES Group Program costs:	\$ 30,466	
County Auditor/Controller Costs:	\$ 3,800	
City share program reserve:	\$ 3,000	
City Return to Source Funds:		\$ 89,013
Commercial Inspection by Central Sanitary Dist:	\$ 8,000	
Flood Control Dist. Fiscal Management Costs:	\$ 3,000	
State Regional Annual Discharge Permit Fee	\$ 8,539	
Amount available to Clayton for City NPDES costs:	\$ 69,474	

**Projected:**

FY 2018-2019 (Total Group Program Budget \$4,311,512 – program reserve \$1,228,469 = \$3,083,043): (ERU \$29)

\* MRP 2.0 reqs. third year costs-  
PCB reductions, GIS, trash load  
reduction, green infrastructure

ERU gross revenue est.	\$126,299	
NPDES Group Program costs:	\$ 30,299	
County Auditor/Controller Costs:	\$ 3,800	
City share program reserve:	\$ 3,000	
City Return to Source Funds:		\$ 89,200
Commercial Inspection by Central Sanitary Dist:	\$ 8,000	
Flood Control Dist. Fiscal Management Costs:	\$ 3,000	
State Regional Annual Discharge Permit Fee	\$ 8,980	
Amount available to Clayton for City NPDES costs:	\$ 69,220	

**Adopted:**

FY 2019-2020 (Total Group Program Budget \$3,728,997 – program reserve \$299,000 = \$3,499,997): (ERU \$29)

\* MRP 2.0 reqs. fourth year costs -  
PCB reductions, GIS, trash load  
reduction, green infrastructure

ERU gross revenue est.	\$126,306	
NPDES Group Program costs:	\$ 34,801	
County Auditor/Controller Costs:	\$ 3,800	
City share program reserve:	\$ 3,000	
City Return to Source Funds:		\$ 84,705
Commercial Inspection by Central Sanitary Dist:	\$ 8,000	
Flood Control Dist. Fiscal Management Costs:	\$ 3,000	
State Regional Annual Discharge Permit Fee	\$ 10,000	
Amount available to Clayton for City NPDES costs:	\$ 63,705	

**Proposed:**

FY 2020-2021 (Total Group Program Budget \$3,762,972 - program reserve \$289,875 = \$3,473,097): (ERU \$29) \* MRP

2.0 reqs. Fifth year costs - PCB reductions, GIS, trash load reduction, green infrastructure [last year of program reserve use to offset program annual program costs]

ERU gross revenue est.	\$126,306	
NPDES Group Program costs:	\$ 35,014	
County Auditor/Controller Costs:	\$ 3,800	
City share program reserve:	\$ 3,000	
City Return to Source Funds:		\$ 84,392
Commercial Inspection by Central Sanitary Dist:		\$ 8,000
Flood Control Dist. Fiscal Management Costs:		\$ 3,000
State Regional Annual Discharge Permit Fee		\$ 10,000
Amount available to Clayton for City NPDES costs:		\$ 63,492

**Forecast:**

[program reserves use completed in FY 20-21]

FY 2021-2022 (Total Group Program Budget \$4,110,000): (ERU \$29) \* MRP 3.0

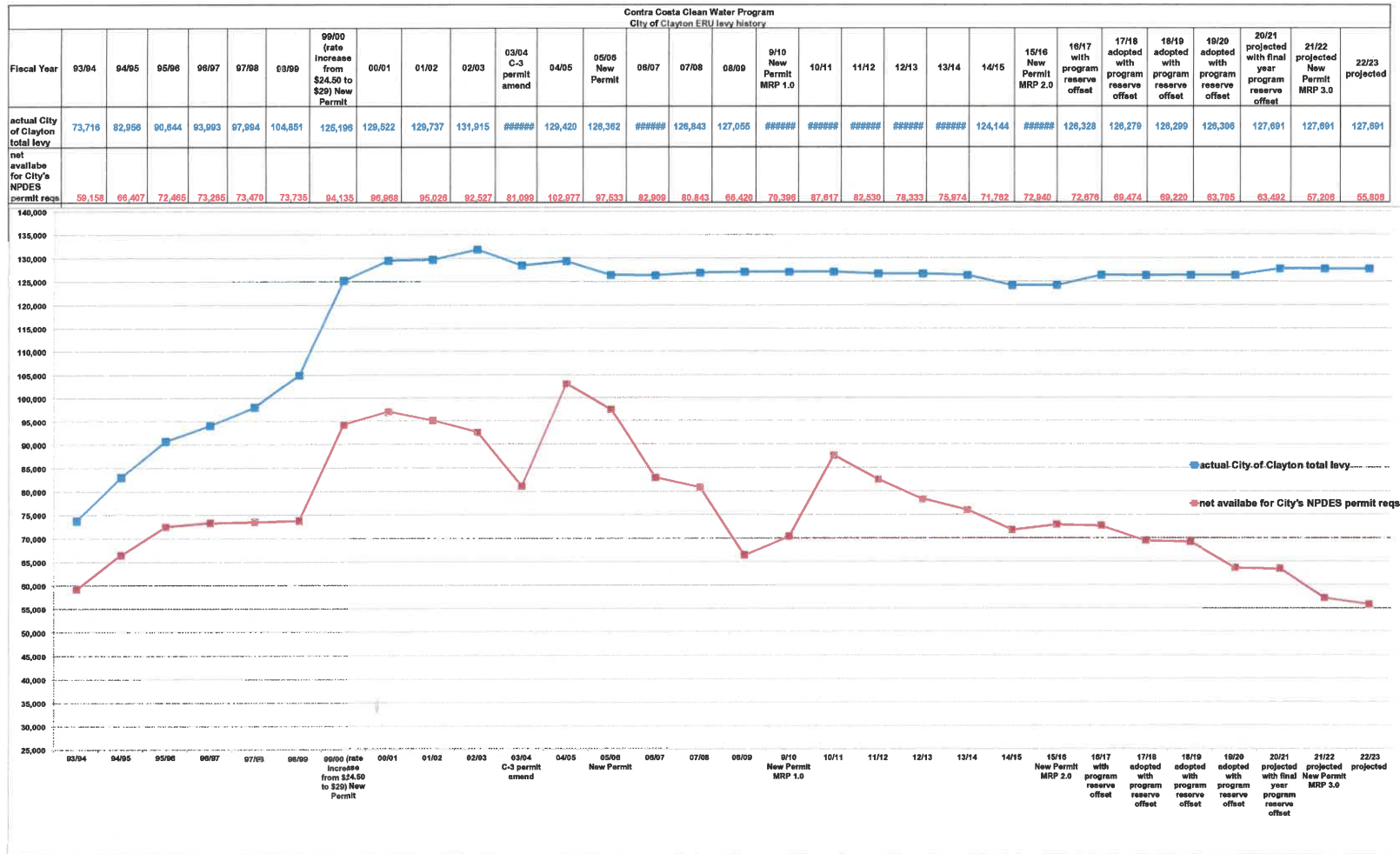
Unknown added or modified permit requirements assuming all prior permit reqs. continue and no new additional permit reqs added that increase program or costs [ no program reserves available for offset ]

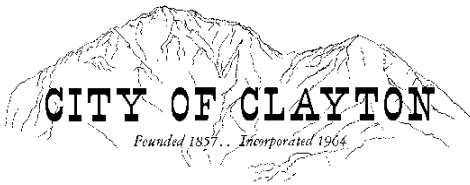
ERU gross revenue est.	\$126,306	
NPDES Group Program costs:	\$ 41,100	
County Auditor/Controller Costs:	\$ 4,000	
City share program reserve:	\$ 3,000	
City Return to Source Funds:		\$ 78,206
Commercial Inspection by Central Sanitary Dist:		\$ 8,000
Flood Control Dist. Fiscal Management Costs:		\$ 3,000
State Regional Annual Discharge Permit Fee		\$ 10,000
Amount available to Clayton for City NPDES costs:		\$ 57,206

FY 2022-2023 (Total Group Program Budget \$4,250,000): (ERU \$29) \* MRP 3.0 year 2

Unknown added or modified permit requirements assuming all prior permit reqs. continue and no new additional permit reqs added that increase program or costs [ no program reserves available for offset ]

ERU gross revenue est.	\$126,306	
NPDES Group Program costs:	\$ 42,500	
County Auditor/Controller Costs:	\$ 4,000	
City share program reserve:	\$ 3,000	
City Return to Source Funds:		\$ 76,806
Commercial Inspection by Central Sanitary Dist:		\$ 8,000
Flood Control Dist. Fiscal Management Costs:		\$ 3,000
State Regional Annual Discharge Permit Fee		\$ 10,000
Amount available to Clayton for City NPDES costs:		\$ 55,806





# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: SCOTT ALMAN, CITY ENGINEER**

**DATE: April 21, 2020**

**SUBJECT: A Resolution Approving the City's Local Transportation Improvement Project For Fiscal Year 2020-21 Involving Road Maintenance and Rehabilitation Account – Local Streets and Roads Funds (RMRA-LSR; SB1)**

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## **RECOMMENDATIONS**

It is recommended the City Council adopt the proposed Resolution approving the City's local transportation improvement project for Fiscal Year 2020-21 involving Road Maintenance and Rehabilitation Account – Local Streets and Roads Funds (RMRA-LSR; SB1)

## **BACKGROUND**

The Road Repair and Accountability Act of 2017 (SB1-Beall) continues as a significant \$5.2 billion per year (Pre-pandemic) statewide investment in California's transportation systems. The Act increased per gallon fuel excise taxes, diesel fuel sales taxes and vehicle registration taxes, stabilized the price-based fuel tax rates and provides for inflationary adjustments to rates in future years. This legislation more than doubles local streets and road funds allocated through the Highway Users Tax Account (HUTA), distributing funds from new taxes through the new RMRA account.

Annually, on May 1<sup>st</sup>, the City of Clayton, along with all other eligible California agencies, submits a work plan to the California Transportation Commission (CTC) committing the following fiscal years RMRA funding to a specific pavement preservation project in the coming year or a future year if the City desires. The submission of the work plan maintains the City's eligibility to garner RMRA funding during the forthcoming fiscal year. Without this commitment of RMRA funds the City loses its eligibility to collect RMRA funding through the State Controller's Office (SCO).

The City of Clayton typically performs a semi-annual neighborhood streets pavement preservation project on even numbered years. The most recent project was the 2018



Neighborhood Streets Project and we will be performing the 2020 Neighborhood Streets Project later this construction season after the current shelter orders have been revised to allow construction to begin once again. In odd numbered years, when federal funding is available, the City may perform pavement preservation work on collector and arterial streets. Collector and arterial streets are the only streets that qualify for federal funding. Local streets are funded completely with local funding sources.

## **DISCUSSION**

One hallmark of the SB1 legislation is complete transparency about where, when, why and how RMRA funds are spent by local Agencies. As such, information required by CTC is quite specific including:

- Listing each pavement preservation project by year,
- Specific type of preservation treatment proposed for each street segment,
- Statement of the expected longevity of each proposed treatment, and
- The projected completion of the overall pavement preservation project.

The required information is included in the attached resolution.

The current Covid-19 pandemic along with the glut on the worldwide oil market have had a double negative impact on future RMRA revenues. Reduced at-the-pump fuel prices based on the glut of oil coupled with a significant reduction in fuel consumption due to the current shelter-in-place orders will significantly reduce gas tax revenue. Predictions of lost revenue are currently purely guesses with some estimates as dire as a 25% loss of RMRA tax revenue.

Based on predictions and the unknown depth and length of the economic contraction caused by the pandemic and shelter-in-place orders, staff recommends the conservative approach of rolling FY 2020-21 RMRA funding into FY 2021-22 and stockpiling it for the 2022 Clayton Neighborhood Street Pavement Preservation Project.

As long as Clayton states publically, by means of adopted City Council Resolution, that Clayton has committed the FY 2020-21 RMRA funds to the 2022 Clayton Neighborhood Streets Pavement Preservation Project, there is no risk of losing tax revenue and if circumstances change and it becomes in the best interest of the City to revise its plan and use RMRA funding for a project in FY 2020-21 the City has the authority to do so as long as the revised actions are documented.

## **ENVIRONMENTAL DETERMINATION:**

There is no environmental impact from approving the FY 2020-21 RMRA street list. The resultant pavement preservation work falls under CEQA exemption, Recommended Council action regarding CEQA typically occurs at contract award.

## **SUBSEQUENT ACTIONS:**

Staff will submit the adopted resolution to the CalSMART on-line reporting program of the California Transportation Commission by the May 1 deadline in order to be eligible for the FY2020/21 RMRA funding disbursement.

**FINANCIAL IMPACT:**

Remittance advice provided by the SCO for FY 2019-20 shows that through February 2020 Clayton received \$126,110. in RMRA tax revenue, at an average monthly accrual of \$15,800. Based on this data, **and no economic contraction**, Clayton would finish FY 2019-20 with an estimated \$ 189,000. In RMRA revenue. Subsequent FY projection, presuming an inflation rate of 3%, would have been projected at \$195,000.00 If lost revenue predictions are accurate at up to 25% loss, the 2020-21 RMRA revenue could be as low as \$ 146,000.

To protect the City during the forthcoming uncertain times, staff recommends committing the entire FY 2020-21 RMRA commitment as a roll over into FY 2021-22 that way knowing for certain how much RMRA gas tax revenue is available prior to committing to spending any of it.

Attachments: 1. Resolution [2 pp.]

**RESOLUTION NO. \_\_\_\_-2020**

**A RESOLUTION A RESOLUTION APPROVING THE CITY OF CLAYTON'S LIST OF  
LOCAL TRANSPORTATION IMPROVEMENT PROJECTS FOR FISCAL  
YEAR 2020-21 USING ROAD MAINTENANCE AND REHABILITATION  
ACCOUNT – LOCAL STREETS AND ROAD FUNDS (RMRA-LSR; SB 1)**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the State Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

**WHEREAS**, SB 1 includes accountability and transparency provisions that will ensure the residents of Clayton are aware of the projects proposed for funding in its community and which projects have been completed each fiscal year; and

**WHEREAS**, Clayton staff has determined the 2022 Clayton Neighborhood Streets Pavement Preservation Project is the project that should receive street pavement preservation treatment utilizing FY 2020-21 funds from the Road Maintenance and Rehabilitation Account (RMRA) created by SB 1; and

**WHEREAS**, the 2022 Clayton Neighborhood Streets Pavement Preservation Project will consist of sustainable street surface treatments and street striping on a City-wide pavement preservation project intended to have a useful service life of a minimum of fifteen years; and

**WHEREAS**, the project streets and street limits of the 2022 Clayton Neighborhood Streets Pavement Preservation Project will be selected in the future based on recommendations from the City's StreetSaver® PMP and are intended to cover roughly ten (10) City streets; and

**WHEREAS**, the 2022 Clayton Neighborhood Streets Pavement Preservation Project is scheduled to be completed in 2022; and

**WHEREAS**, it has been calculated (pre pandemic and resultant economic contraction) that the City of Clayton was projected to receive up to \$195,000.00 in RMRA funds in Fiscal Year 2020-21 from SB 1; and

**WHEREAS**, Clayton staff use the MTC StreetSaver® Pavement Management Program to determine its 2022 Clayton Neighborhood Streets Pavement Preservation Project to ensure revenues are used on the most cost-effective streets that also meet the community's priorities for continual transportation investment; and

**WHEREAS**, CLayton staff has recommended it is most cost effective to roll the FY 2020-21 RMRA funds into a future year and construct the 2022 Clayton Neighborhood Streets Pavement Preservation Project with additional accumulated funds in order to obtain economies of scale of construction costs to match the magnitude of necessary street improvement and rehabilitation; and

**WHEREAS**, the 2018 California Statewide Local Streets and Roads Needs Assessment found that Clayton's streets are in a "Very Good" condition with an average network Pavement Condition Index (PCI) of 81, and this ongoing RMRA revenue will assist the City to maintain and sustain the overall quality of Dixon's street system; and

**NOW THEREFORE, BE IT RESOLVED** the City Council of Clayton, California does hereby approve the following:

Section 1. The foregoing Recitals are true and correct statements of fact and in part, along with the accompany staff report, constitute the basis for necessity in authorizing this Resolution.

Section 2. The City Council does herein authorize the assignment of its expectant FY 2020-21 RMRA funding to be used for its 2022 Clayton Neighborhood Streets Pavement Preservation Project, which street project constitutes the City of Clayton's local transportation improvement project to be constructed using its FY 2020-21 RMRA monies.

Section 3. The City Council further herein approves and authorizes the use of its Fiscal Year 2020-21 RMRA monies for construction of its assigned 2022 Clayton Neighborhood Streets Pavement Preservation Project in a subsequent year.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California, at a regular public meeting thereof held on the 21<sup>st</sup> day of April 2020, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

THE CITY COUNCIL OF CLAYTON, CA

---

Julie Pierce, Mayor

ATTEST:

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Janet Calderon, City Clerk



# STAFF REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: SCOTT D. ALMAN, P.E., CITY ENGINEER**

**DATE: APRIL 21, 2020**

**SUBJECT: Resolution Ordering the Levy of a Special Tax Within the Oak Street Permanent Road Division for FY 2020-21**

---

## **RECOMMENDATION**

Approve the attached Resolution.

## **BACKGROUND**

The Oak Street Permanent Road Division was formed in 2000 to provide a mechanism for the included property owners to repay the City for funds advanced for the reconstruction of the Oak Street Bridge over Mitchell Creek. In addition, a portion of the annual levy is set aside to provide funds for the maintenance of the private portion of Oak Street.

The Redevelopment Agency funded the reconstruction of the bridge and repayment was spread over 20 years with a 7% interest rate. In addition, the annual levy has included an amount of \$350 per parcel dedicated to future road maintenance and \$92.01 per parcel for Division administrative fees (10% of the levy for bridge construction and maintenance). Through the end of FY 2018-19, \$84,011.25 has been collected (including \$4,763.00 from Reuben Gonzalez in 2005/06 to pay off his bridge assessment) for construction repayment, \$29,600 for maintenance (deposited in a separate fund), and \$10,884.56 for administration (1% of the total assessment and deposited in City General Fund to recoup incurred expenses).

In the Resolution, it is noted that seven parcels have a levy of \$220.00, and two have levies of \$110.00. The original Division included 8 parcels, all levied equally. Since that time, one parcel was subsequently subdivided (Caspar) and that levy was reapportioned equally between the two lots.

The first assessment for the repayment of the bridge construction costs was levied in FY 2000/01 and the final assessment for construction costs was levied in FY 2019/20. It will be discontinued this year, but it should be noted the portion of the assessment for maintenance and Division administration will continue indefinitely.

**FISCAL IMPACT**

If this Resolution is not approved, money owed the Successor Agency for construction of the bridge by the affected property owners will not be repaid. The annual assessment for this fiscal year will produce a total of \$1,760.00.

**CONCLUSION**

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax in FY 2020-21 on the parcels located within the Oak Street Permanent Road Division.

Attachments: Resolution levying a Special Tax [2 pp.]

**RESOLUTION NO. XX- 2020**

**A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX FOR FY 2020-21  
WITHIN THE OAK STREET PERMANENT ROAD DIVISION FOR THE REPAYMENT  
OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE BRIDGE AND  
FUTURE MAINTENANCE PURSUANT TO THE STREETS AND HIGHWAY CODE,  
ARTICLE 3, SECTION 1173, et seq.**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, by passage of Resolution 66-99, the City Council ordered the formation of the Oak Street Permanent Road Division for the purpose of reconstructing and maintaining the Oak Street Bridge over Mitchell Creek and maintaining the private portion of Oak Street; and

**WHEREAS**, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge and road; and

**WHEREAS**, the City Council called for an election on May 1, 2000, to approve the levying of a special tax; and

**WHEREAS**, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

**WHEREAS**, the special tax approved must be re-levied each fiscal year;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of Clayton, California as follows:

1. The City Council does hereby order the levy of special taxes for FY 2020-21 on those parcels within the Oak Street Permanent Road Division for the maintenance of the bridge over Mitchell Creek and the maintenance of the private portion of Oak Street.



2. The annual tax rates for each parcel for the maintenance shall be as follows:

APN	Owner	Construction	Bridge Maintenance	Division Admin.	Total
119-040-027	Law	\$0.00	\$200.00	\$20.00	\$220.00
119-040-028	Schwitters	\$0.00	\$200.00	\$20.00	\$220.00
119-040-029	Gonzalez	\$0.00	\$200.00	\$20.00	\$220.00
119-040-030	Ludlow	\$0.00	\$200.00	\$20.00	\$220.00
119-040-031	Mrozwski	\$0.00	\$200.00	\$20.00	\$220.00
119-040-032	Hemstalk	\$0.00	\$200.00	\$20.00	\$220.00
119-040-033	Webb	\$0.00	\$200.00	\$20.00	\$220.00
119-040-036	Caspar	\$0.00	\$100.00	\$10.00	\$110.00
119-040-037	Caspar	\$0.00	\$100.00	\$10.00	\$110.00

3. The special taxes shall be levied and collected by the County of Contra Costa, California along with the regular property taxes in FY 2020-21.

**PASSED, APPROVED and ADOPTED** by the City Council of Clayton, California at a regular public meeting of said Council held on April 21, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

\_\_\_\_\_  
Julie Pierce, Mayor

ATTEST:

\_\_\_\_\_  
Janet Calderon, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on April 21, 2020.

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Janet Calderon, City Clerk



# STAFF REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: SCOTT D. ALMAN, P.E., CITY ENGINEER**

**DATE: APRIL 21, 2020**

**SUBJECT: Consideration of a Resolution Ordering the Levy of a Special Tax Within the High Street Permanent Road Division for FY 2020-21**

---

## **RECOMMENDATION**

Approve the attached Resolution ordering the levy of a special tax within the High St. Permanent Road Division for FY 2020 – 2021.

## **BACKGROUND**

The High Street Permanent Road Division was formed in 1999 providing a mechanism for included property owners to repay funds advanced by the City for the reconstruction of High Street Bridge over Mitchell Creek. In addition to capital repayment, the annual levy includes funds for the long-term maintenance of the bridge.

The City agreed to fund half the cost of the bridge and the remainder was to be paid by the property owners within the Division. The former Clayton Redevelopment Agency (now the “Successor Agency” by state dissolution law) funded the reconstruction of the bridge and repayment was spread over 30 years with a 6% interest rate. In addition, the annual levy includes an amount of \$60 per parcel dedicated to future bridge maintenance. The City has absorbed all of the administrative costs. Through the end of FY 2018-19 (twenty years), \$72,132.78 has been collected towards the construction and interest costs (including \$5,288.78 from John Morgan in January, 2014 to pay off his bridge assessment), and \$5,400.00 for future maintenance.

In the Resolution it is noted there are varying levy amounts. These amounts were based on a formula negotiated with the property owners when the Division was formed.

The first assessment for the repayment of the bridge construction costs was levied in FY 1999/00 and the final assessment for construction costs will be levied in FY 2028/29. It should be noted the portion of the assessment for bridge maintenance will continue indefinitely.

**FISCAL IMPACT**

This year's annual assessment will produce \$1,754.00 in FY 2020-21. If this Resolution is not approved, money owed to the Successor Agency by the property owners will not be repaid and funds will not be available for future bridge maintenance.

**CONCLUSION**

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax in FY 2020-21 on the parcels located within the High Street Permanent Road Division.

Attachments: Resolution levying a Special Tax [2 pp.]

**RESOLUTION NO. XX- 2020**

**A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FY 2020-21  
WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR THE REPAYMENT  
OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE BRIDGE AND  
FUTURE MAINTENANCE PURSUANT TO THE STREETS AND HIGHWAY CODE,  
ARTICLE 3, SECTION 1173, et seq.**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, by passage of Resolution 34-98, the City Council ordered the formation of the High Street Permanent Road Division for the purpose of reconstructing and maintaining the High Street Bridge over Mitchell Creek; and

**WHEREAS**, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge; and

**WHEREAS**, the City Council called for an election on February 26, 1999 to approve the levy of a special tax; and

**WHEREAS**, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

**WHEREAS**, said special tax approved must be re-levied each fiscal year;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of Clayton, California as follows:

1. The City Council does hereby order the levy of special taxes for FY 2020-21 on those parcels within the High Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek.

2. The annual tax rates for each parcel for the reconstruction and maintenance shall be as follows:

APN	Current Owner	Reconstruction	Bridge Maintenance	Total
119-050-036	Clayton Community Church, Inc.	\$545.00	\$60.00	\$605.00
119-050-008	City of Clayton	\$0.00	\$60.00	\$60.00
119-040-023	Morgan	\$0.00	\$60.00	\$60.00
119-040-024	Davis	\$364.00	\$60.00	\$424.00
119-040-021	Utley	\$545.00	\$60.00	\$605.00

3. Said special taxes shall be levied and collected by the County of Contra Costa along with the regular property taxes.

**PASSED, APPROVED and ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 21<sup>st</sup> day of April 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

\_\_\_\_\_  
Julie Pierce, Mayor

ATTEST:

\_\_\_\_\_  
Janet Calderon, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on April 21, 2020.

\_\_\_\_\_  
Janet Calderon, City Clerk



# STAFF REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: SCOTT D. ALMAN P.E., CITY ENGINEER**

**DATE: APRIL 21, 2020**

**SUBJECT: Resolution Confirming the Levy of Assessments Within the Oak Street Sewer Assessment District for FY 2020-21**

---

## **RECOMMENDATION**

Approve the attached Resolution.

## **BACKGROUND**

The Oak Street Sewer Assessment District was formed to fund the construction of sanitary sewer improvements to the following real properties:

<u>Parcel ID (APN)</u>	<u>Street Address</u>
119-040-021	5950 High Street
119-040-023	5900 High Street
119-040-024	6000 High Street
119-040-027	929 Oak Street
119-040-028	920 Oak Street
119-040-030	937 Oak Street
119-040-032	949 Oak Street
119-040-033	951 Oak Street
119-040-036	945 Oak Street
119-040-037	(None) Oak Street
119-050-036	1027 Pine Hollow Ct.

The City issued bonds to provide funding for the formation of the District and the construction of the sewer improvements. The bonds are being repaid by the real property owners through annual assessments collected by the County with each real property owner's taxes. In addition to the principal and interest costs, assessments include an administrative fee of \$150.00 per parcel to cover the District's overhead costs.

In May, 2015, Mr. Morgan paid off the assessment on APN 119-040-023.

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The first assessment was levied in FY 2003/04 and the final assessment will be levied in FY 2026/27.

The attached resolution confirms the proposed assessments for fiscal year 2020-21.

**FISCAL IMPACT**

The FY 2020-21 assessments will yield approximately \$11,309 for the District. If this Resolution is not approved, the City will have to pursue separate action against each property owner for collection or the City will default on the bonds.

**CONCLUSION**

Based upon the above, staff recommends the City Council approve this Resolution confirming the levying of annual assessments in the Oak Street Sewer Assessment District.

Attachments: Resolution Confirming Assessments [3 pp.]



**RESOLUTION NO. XX-2020**

**A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR  
FY 2020-21 WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT  
FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF  
MUNICIPAL SANITARY SEWERS.**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, by passage of Resolution 62-2002, the City Council ordered the formation of the Oak Street Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

**WHEREAS**, the City of Clayton issued bonds in the amount of \$187,000.00 to fund the construction of municipal sanitary sewers in the Oak Street Assessment District which must be repaid by the real property owners within the assessment district; and

**WHEREAS**, the repayment of the bond costs by the real property owners is provided through the levy of an annual assessment, for principal, interest and administrative costs, on each property owner's County property tax bill; and

**WHEREAS**, the proposed assessments for Fiscal Year 2020-21 are shown on Exhibit A attached hereto;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of Clayton, California as follows:

1. The Council hereby orders the levy of assessments for FY 2020-21 on those parcels within the Oak Street Sewer Assessment Districts for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.
2. The annual assessment for each parcel in each assessment district shall be as shown on Exhibit A attached hereto.

3. The assessments shall be levied and collected by the County along with the regular property taxes.

**PASSED, APPROVED and ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on April 21, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

\_\_\_\_\_  
Julie Pierce, Mayor

ATTEST:

\_\_\_\_\_  
Janet Calderon, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of Clayton, California at a regular public meeting thereof held on April 21, 2020.

\_\_\_\_\_  
Janet Calderon, City Clerk

## EXHIBIT A

### ANNUAL ASSESSMENT AMOUNTS FOR FY 2020-21 FOR THE OAK STREET SEWER ASSESSMENT DISTRICT

Oak Street Sewer Assessment District	
Parcel ID (APN)	Amount
119-040-021	\$1,130.91
119-040-024	\$1,130.91
119-040-027	\$1,130.91
119-040-028	\$1,130.91
119-040-030	\$1,130.91
119-040-032	\$1,130.91
119-040-033	\$1,130.91
119-040-036	\$1,130.91
119-040-037	\$1,130.91
119-050-036	\$1,130.91
Total Assessment	\$11,309.10



# STAFF REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: SCOTT D. ALMAN, P.E., CITY ENGINEER**

**DATE: APRIL 21, 2020**

**SUBJECT: Resolution Confirming the Levy of Assessments Within the Lydia Lane Sewer Assessment District for FY 2020-21**

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## **RECOMMENDATION**

Approve the attached Resolution confirming the levy of assessments within the Lydia Lane Sewer Assessment District.

## **BACKGROUND**

The Lydia Lane Sewer Assessment District was formed to fund the installation of sanitary sewers and sewer laterals in the Lydia Lane and Verna Way area south of Clayton Road.

The City issued bonds as funding for district formation and construction of the sewer improvements. The bonds are to be repaid by the real property owners through annual assessments collected by the County with their property taxes. Along with the principal and interest, the assessments also include an administrative fee of \$150.00 per parcel to cover District overhead costs.

The first assessment was levied in FY 2002/03 and the final assessment will be levied in FY 2031/32.

The attached resolution confirms the proposed assessments for fiscal year 2020-21.

## **FISCAL IMPACT**

Annual assessments yield approximately \$16,900.00 for the District for FY 2020-21. If this Resolution is not approved, the City would have to pursue separate action against each real property owner to collect the monies due or default on the bonds.

## **CONCLUSION**

Based upon the above, staff recommends the City Council approve the Resolution confirming the levy of annual assessments for the Lydia Lane Sewer Assessment District.

Subject: Lydia Lane Sewer Assessment District – Levy of Assessments

Date: April 21, 2020

Page 2 of 2

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Attachments: Resolution Confirming Assessments [3 pp.]

**RESOLUTION NO. XX-2020**

**A RESOLUTION CONFIRMING THE LEVY OF ASSESSMENTS FOR  
FY 2020-21 WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT  
FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION  
OF MUNICIPAL SANITARY SEWERS**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, by passage of Resolution 36-2002, the City Council ordered the formation of the Lydia Lane Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

**WHEREAS**, the City of Clayton issued and sold bonds in the amount of \$228,332.00 to fund the construction of municipal sanitary sewer Improvements in the Lydia Lane Assessment District which must be repaid by the real property owners within the assessment district; and

**WHEREAS**, the repayment of the bond costs by the real property owners is provided through the levy of annual assessments, for principal, interest and administrative costs, on each real property owner's County property tax bill; and

**WHEREAS**, the proposed assessments for Fiscal Year 2020-21 are shown on Exhibit A attached hereto;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of Clayton, California as follows:

1. The City Council does hereby order the levy of assessments for FY 2020-21 on those parcels within the Lydia Lane Sewer Assessment District for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.

2. The annual assessment for each parcel in each assessment district zone shall be as shown on Exhibit A attached hereto.

3. The assessments shall be levied and collected by the County of Contra Costa along with the regular property taxes.

**PASSED, APPROVED and ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 21<sup>st</sup> day of April 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

---

Julie Pierce, Mayor

ATTEST:

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Janet Calderon, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on April 21, 2020.

---

Janet Calderon, City Clerk

## EXHIBIT A

### ANNUAL ASSESSMENT AMOUNTS FOR FY 2020-21 FOR THE LYDIA LANE SEWER ASSESSMENT DISTRICT

Lydia Lane Sewer Assessment District	
Parcel ID (APN)	Amount
120-042-005	\$895.28
120-042-006	\$895.28
120-043-007	\$895.28
120-043-009	\$895.28
120-051-007	\$1,109.88
120-051-008	\$1,109.88
120-051-010	\$1,109.88
120-052-003	\$1,109.88
120-052-004	\$1,109.88
120-052-005	\$1,109.88
120-052-006	\$1,109.88
120-052-009	\$1,109.88
120-052-011	\$1,109.88
120-052-015	\$1,109.88
120-052-016	\$1,109.88
120-052-017	\$1,109.88
Total Assessment	\$16,899.68





# AGENDA REPORT

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** Ikani Taumoepeau, City Manager

**DATE:** April 21, 2020

**SUBJECT:** Discuss and Consider Options for the City of Clayton to Recognize LGBT Pride Month in June.

---

## **RECOMMENDATION**

Discuss and consider options for the City of Clayton to commemorate LGBT Pride Month, which includes a Proclamation, utilizing city flagpoles, and/or utilizing downtown light poles.

## **BACKGROUND**

LGBT Pride Month is a month-long annual observance of lesbian, gay, bisexual, and transgender history, and the history of gay rights and related civil rights movements, currently celebrated in the month of June. The City of Clayton has long embraced the ideals of respect and inclusiveness for all members of the community, which are engrained in the City's *Mission, Vision, and Values* statement created 20+ years ago, clearly stating "Diversity" and "Inclusiveness" as prioritized *Values* in the City.

At the March 3, 2020 City Council meeting, Councilmember CW Wolfe and Councilwoman Tuija Catalano requested that staff present options for City Council to consider the recognition of LGBT Pride Month, similar to neighboring cities in the County.

Out of the 19 cities in Contra Costa County, the following recognized Pride Month by:

- **Proclamation and Pride Flag**
  - **13 Cities:** El Cerrito, Richmond, San Pablo, Pinole, Hercules, Martinez, Pleasant Hill, Walnut Creek, Lafayette, Orinda, Concord, Pittsburg, and Antioch
- **Proclamation only**
  - **4 Cities:** Brentwood, Oakley, San Ramon, and Moraga

- **Two Cities:** Clayton and Danville have not officially recognized Pride Month.

Historically, the City of Clayton has only displayed the United States Flag and the California State Flag in accordance with Federal and State law. If desired, the City Council could adopt a resolution at a later date to direct staff to fly the Pride Flag at a specific time, duration and place.

## **DISCUSSION**

Some options to commemorate Pride Month include drafting a Proclamation, utilizing city flagpoles, and/or utilizing downtown light poles to possibly fly the Pride Flag in June.

If City Council desired to move forward with a Proclamation, this would follow the standard process of allotting time during a City Council meeting to formally recognize LGBT Pride Month along with any individuals or community organizations for their contributions.

Regarding flagpole options, the City has five potential sites, each with their own unique relationship with various organizations and families.

- (1) Clayton Library
  - a. Flagpole donated from the Clayton Business and Community Association, Clayton Community Library Foundation, and the City of Clayton
  - b. Located on City property and maintained by the City
- (2) Clayton City Hall
  - a. Flagpole donated by Eldora and Bob Hoyer, dedicated to the founders of the community of Clayton
  - b. Located on City property and maintained by the City
- (3) Grove Park
  - a. Flagpole Donated by the Hoyer Family, in memory of Eldora Hoyer.
  - b. Located on City property and maintained by the City
- (4) Clayton Museum
  - a. Flagpole donated to the Museum by Ray Olofsson, restored by Bob Hoyer.
  - b. Located on City property and maintained by the Museum.
- (5) VFW Main St/Oak St.
  - a. Flagpole, flags, monument, and lights installed by VFW Lt. Jerry Novakovich Post 1525.
  - b. Located on City property. Pole and structures owned and maintained by VFW.

Another flagpole option that deserves consideration is to utilize light poles downtown, which have special attachments to hang banners and flags. City Maintenance staff annually hangs several U.S. flags from light poles during the July 4<sup>th</sup> season.

## **FISCAL IMPACTS**

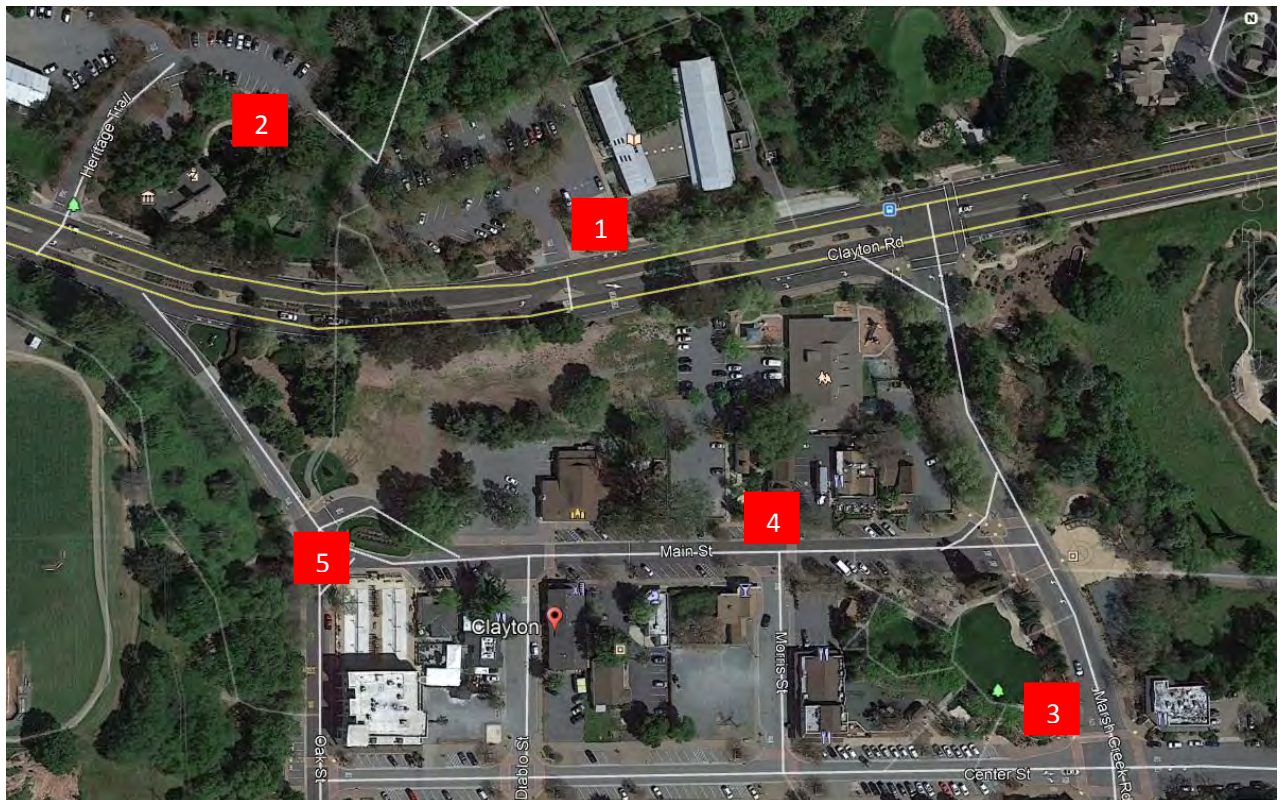
Any materials and supplies will be donated to the City. Labor costs from the City are expected to be minor.

## **ATTACHMENTS**

- Flagpole locations and partnership information

Flagpole locations and ownership:

1. **Clayton Library**, frontage near Clayton Rd., 6125 Clayton Rd. – Flagpole provided by donations of Clayton Business and Community Association, Clayton Community Library Foundation, and City of Clayton.  
Located on City property and maintained by City.
2. **Clayton City Hall**, parking lot in front of City Hall Offices, 6000 Heritage Trail – Flagpole donated by Eldora and Bob Hoyer, dedicated to the founders of the community of Clayton.  
Located on City property and maintained by City.
3. **Grove Park**, corner of old Marsh Ca. Rd./Center Street- donated by Hoyer Family in Memory of Eldora Hoyer.  
Located on City property and maintained by City.
4. **Clayton Museum**, 6101 Main Street – Pole donated to the Museum by Ray Olofsson, restored by Bob Hoyer.  
Located on City property leased to the Clayton Museum and **Pole owned and Maintained by the Museum**
5. **VFW Lt. Jerry Novakovich Post 1525** intersection of Main St./Oak St., -Property underneath is City owned, the pole/flags and Monument structure, lights installed on City Property by VFW P Lt. Jerry Novakovich Post 1525,  
Located on City property and **Pole owned and Maintained by VFW Post 1525.**





1. Clayton Library Flagpole



View from Parking Lot

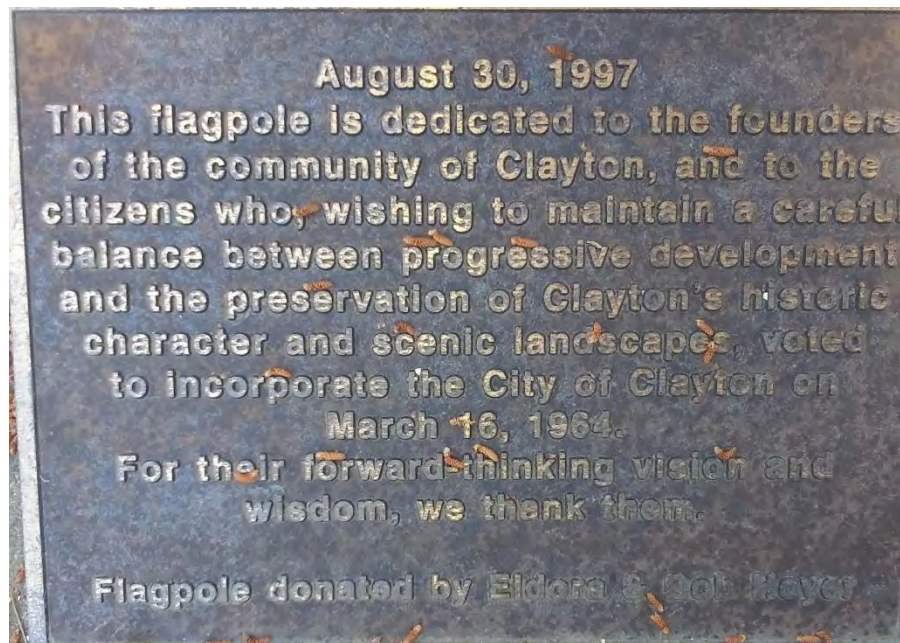


View from Clayton Road



Located on City of Clayton Property and Maintained by City of Clayton

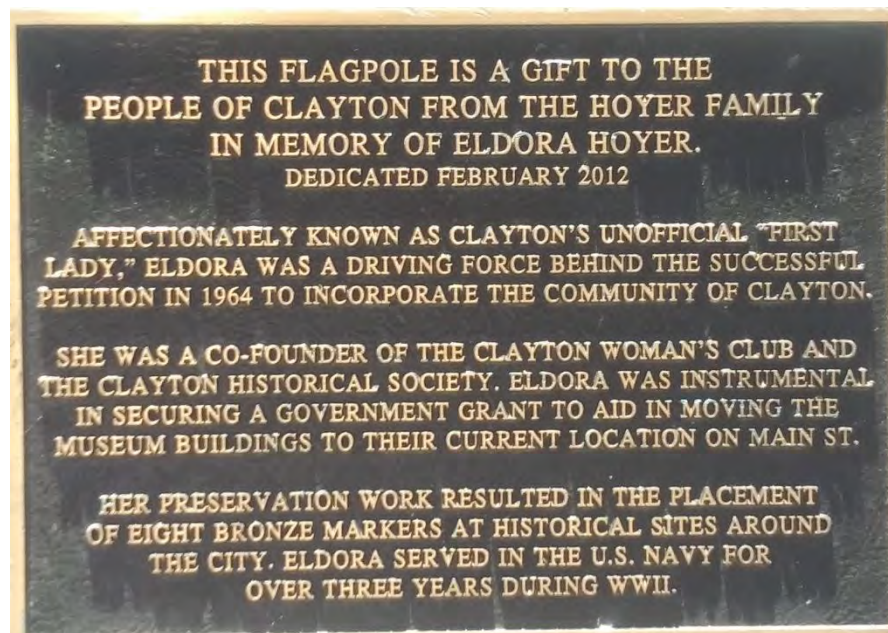
## 2. City Hall Flagpole



Located on City of Clayton Property and Maintained by City of Clayton



### 3. Grove Park Flagpole



Located on City of Clayton Property and Maintained by City of Clayton

#### 4. Museum Flagpole



Located on City property leased to the Clayton Museum, Pole owned and Maintained by the Clayton Museum



5. VFW Jerry Novakovich Post 1525 Flagpole



Located on City property: Pole, flags, monument, plaque, landscaping Owned and Maintained by the VFW Post 1525





Banner Attachment

Flag Attachment







# AGENDA REPORT

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** Elise Warren, Chief of Police

**DATE:** April 21, 2020

**SUBJECT:** Amend the City of Clayton's Preferential Residential Permit Parking Pilot Program to Include All Permit Parking Requirements At All Times During the Shelter-In-Place Order.

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## **RECOMMENDATION**

Amend the City of Clayton's Preferential Residential Permit Parking Program on Regency and Rialto Drives to temporarily include all permit parking requirements at all times, beyond its current parameters of Saturday, Sunday and Federal Holidays. This amendment will remain in effect until the County Public Health Officer lifts the Shelter-In-Place order.

## **BACKGROUND**

At the June 18, 2019 meeting the City Council approved the City of Clayton's Residential Permit Parking Pilot Program on Regency and Rialto Drives. The duration of the pilot program is 15 months from the time of its full implementation (October 1, 2019).

The current Pilot program restricts parking on Saturday, Sunday and Federal Holidays from 8:00am to 6:00pm, and is in effect until January 1, 2021.

## **DISCUSSION**

The pilot permit parking program is working well. To-date, 33 residents have purchased parking permits and 12 have not. Complaints from residents have greatly reduced regarding parking and quality of life issues since the implementation of the program.

Since the County Public Health Officer declared a Shelter-In-Place order on March 16, 2020, there has been an increase in vehicle traffic to Regency and Rialto Drives during the weekdays. Residents have complained that this increase in vehicle traffic has led to negative impacts on quality of life, as well as health and safety issues. Residents have stated that large numbers of people (up to 100 per day) are frequenting this area to access

Mt. Diablo State Park, putting the community's health and safety at risk. The complaints include large numbers of people not practicing social distancing, and frequent littering.

Clayton Police officers have responded to calls for service regarding Shelter-In-Place violations, but have not witnessed any obvious violations when they have arrived. This is most likely due to the fact that the hikers either already left the area, or have already entered the State Park to hike.

Compounding this problem is the fact that the State Parks have closed their parking lot at South Mitchell Canyon, but have not closed the park itself. Visitors now have limited options on how to access State Parks, and are forced to park on Clayton residential streets. I have spoken with the State Park District Superintendent Eddie Guaracha, and have asked that they re-open the South Mitchell Canyon parking lot. At this time, they have declined to do so.

### **CONCLUSION**

While the Shelter-In-Place order allows people to exercise outdoors, they are strongly encouraged to do so in their own cities and neighborhoods to prevent the spread of the virus and to flatten the curve. The order prohibits unnecessary travel and allows law enforcement to cite accordingly. To that end, it is recommended that the City Council amend the Residential Permit Parking Program on Regency/Rialto Drives from its current parameters of Saturday, Sunday and Federal holidays, to include all permit parking requirements at all times temporarily while the County Shelter-In-Place order remains in effect.

### **FISCAL IMPACTS**

The cost to purchase temporary permit parking signs is approximately \$350, which does not include staff time to setup signage and expanded parking enforcement.

### **ATTACHMENTS**

- Resolution: Amended Residential Permit Parking Pilot Program on Regency/Rialto Drives

**CITY RESOLUTION NO. - 2020**

**A RESOLUTION AMENDING THE PREFERENTIAL PARKING PERMIT  
PILOT PROGRAM FOR A RESTRICTED PARKING DISTRICT ALONG  
PORTIONS OF REGENCY DRIVE AND RIALTO DRIVE FOR THE DURATION OF  
THE COUNTY'S SHELTER IN PLACE ORDER**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, California Vehicle Code Section 22507 provides that local authorities may resolve to prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day; and

**WHEREAS**, such resolution may include a designation of certain streets upon which preferential parking privileges are given to residents adjacent to the streets for their use and the use of their guests, under which the residents may be issued a permit or permits that exempt them from the prohibition or restriction of the resolution; and

**WHEREAS**, the City Council adopted a pilot program to provide preferential parking permits within a defined restricted parking district along Regency Drive and Rialto Drive in the city of Clayton as necessary to provide reasonably available and convenient parking for the benefit of the residents within the proposed district pursuant to the authority granted in California Vehicle Code, Section 22507.

**WHEREAS**, the City Council desires to amend the City of Clayton's Residential Permit Parking Program on Regency/Rialto Drives from its current parameters of Saturday, Sunday and Federal holidays to require permit parking at all times. This amendment will remain in effect until the County Public Health Officer lifts the Shelter In Place Order.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Clayton, California does hereby find, determine and approve as follows:

Section 1. That the above Recitals are true and correct facts pertaining to an important matter of public policy to the City.

Section 2. The City Council of the City of Clayton hereby amends the pilot program \ requiring Preferential Parking Permits within a restricted parking district along Regency Drive and Rialto Drive to apply all days and times Monday through Sunday, until the County Public Health Officer lifts the Shelter In Place Order.fu. The preferential parking designation shall not apply to any specific street within the district until a sign giving adequate notice thereof has been installed on that street.

Section 3. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of any

competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Resolution would be subsequently declared invalid or unconstitutional.

Section 4. This Resolution shall and does take immediate effect from and after its passage and adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Clayton, California at a duly-noticed public meeting thereof held on the 21st day of April 2020 by the following recorded vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

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Julie Pierce, Mayor

ATTEST:

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Janet Calderon, City Clerk